



General Assembly

Substitute Bill No. 1164

January Session, 2013



**AN ACT CONCERNING REVISIONS TO STATUTES CONCERNING
HUMAN RIGHTS AND OPPORTUNITIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-1f of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2013*):

3 For purposes of sections 3-10e, 4a-60, subdivision (12) of section 38a-
4 816, [and sections 46a-58, 46a-60, 46a-64, 46a-70 to 46a-73, inclusive,
5 46a-75, 46a-76 and] section 52-175a and chapter 814c:

6 (a) An individual is blind if [his] such individual's central visual
7 acuity does not exceed 20/200 in the better eye with correcting lenses,
8 or if [his] such individual's visual acuity is greater than 20/200 but is
9 accompanied by a limitation in the fields of vision such that the widest
10 diameter of the visual field subtends an angle no greater than twenty
11 degrees;

12 (b) An individual is physically disabled or has a physical disability,
13 as defined in section 46a-51, as amended by this act, if [he] such
14 individual has any chronic physical [handicap] disability, infirmity or
15 impairment, whether congenital or resulting from bodily injury,
16 organic processes or changes or from illness, including, but not limited
17 to, blindness, epilepsy, deafness or hearing impairment or reliance on a
18 wheelchair or other remedial appliance or device.

19 Sec. 2. Section 46a-51 of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective July 1, 2013*):

21 As used in section [4a-60a] 4a-60, as amended by this act, and this
22 chapter:

23 (1) "Application for credit" means any communication, oral or
24 written, by a person to a creditor requesting an extension of credit to
25 that person or to any other person, and includes any procedure
26 involving the renewal or alteration of credit privileges or the changing
27 of the name of the person to whom credit is extended;

28 [(1)] (2) "Blind" refers to an individual whose central visual acuity
29 does not exceed 20/200 in the better eye with correcting lenses, or
30 whose visual acuity is greater than 20/200 but is accompanied by a
31 limitation in the fields of vision such that the widest diameter of the
32 visual field subtends an angle no greater than twenty degrees;

33 (3) "Board of commissioners" means the commissioners of the
34 Commission on Human Rights and Opportunities appointed pursuant
35 to section 46a-52, as amended by this act, acting as a body;

36 [(2)] (4) "Commission" means, unless the context clearly indicates a
37 different meaning or intent, the professional staff of the Commission
38 on Human Rights and Opportunities [created by section 46a-52] or the
39 executive director or the executive director's designee lawfully
40 exercising the powers and duties ascribed to the commission;

41 [(3)] (5) "Commission legal counsel" means a member of the legal
42 staff employed by the commission pursuant to section 46a-54, as
43 amended by this act;

44 [(4)] (6) "Commissioner" means [a] an individual member of the
45 [commission] board of commissioners appointed pursuant to section
46 46a-52, as amended by this act;

47 (7) "Complainant" means any person, whether acting on his or her

48 own behalf or through an attorney, who files a complaint pursuant to
49 section 46a-82, as amended by this act;

50 ~~[(5)]~~ (8) "Court" means the Superior Court or any judge of said
51 court;

52 (9) "Covered multifamily dwelling" means buildings consisting of
53 four or more units if such buildings have one or more elevators, and
54 ground floor units in other buildings consisting of four or more units;

55 (10) "Credit" means the right granted by a creditor to a person to
56 defer payment of debt or to incur debt and defer its payment, or
57 purchase property or services and defer payment therefor, including,
58 but not limited to, the right to incur and defer debt which is secured by
59 residential real property;

60 (11) "Credit sale" means any transaction with respect to which credit
61 is granted;

62 (12) "Credit transaction" means any invitation to apply for credit,
63 application for credit, extension of credit or credit sale;

64 (13) "Creditor" means any person who regularly extends or arranges
65 for the extension of credit for which the payment of a finance charge or
66 interest is required whether in connection with loans, sale of property
67 or services or otherwise;

68 ~~[(6)]~~ (14) "Discrimination" includes segregation and separation;

69 (15) "Discrimination because of religion" includes, but is not limited
70 to, discrimination related to all aspects of religious observances and
71 practice as well as belief, unless, in the context of an employer-
72 employee relationship, an employer demonstrates that the employer is
73 unable to reasonably accommodate to an employee's or prospective
74 employee's religious observance or practice without undue hardship
75 on the conduct of the employer's business;

76 (16) "Discrimination because of sex" includes, but is not limited to,
77 discrimination related to pregnancy, child-bearing capacity,
78 sterilization, fertility or related medical conditions;

79 ~~[(7)]~~ (17) "Discriminatory employment practice" means any
80 discriminatory practice specified in section 46a-60, as amended by this
81 act; [or 46a-81c;]

82 (18) "Discriminatory housing practice" means any discriminatory
83 practice specified in section 46a-64c, as amended by this act;

84 ~~[(8)]~~ (19) "Discriminatory practice" means a violation of any
85 requirement established by the commission pursuant to subdivisions
86 (13) to (16), inclusive, of section 46a-54, as amended by this act, or a
87 violation of section 4a-60, as amended by this act, [4a-60a,] 4a-60g, as
88 amended by this act, 46a-58, as amended by this act, 46a-59, as
89 amended by this act, 46a-60, as amended by this act, 46a-64, as
90 amended by this act, 46a-64c, as amended by this act, 46a-66, as
91 amended by this act, 46a-68, as amended by this act, 46a-68c to 46a-68f,
92 inclusive, or 46a-70 to 46a-78, inclusive, as amended by this act, or
93 subsection (a) of section 46a-80; [or sections 46a-81b to 46a-81o,
94 inclusive;]

95 (20) "Dwelling" means any building, structure, mobile
96 manufactured home park or portion thereof that is occupied as, or
97 designed or intended for occupancy as, a residence by one or more
98 families, and any vacant land that is offered for sale or lease for the
99 construction or location thereon of any such building, structure,
100 mobile manufactured home park or portion thereof;

101 ~~[(9)]~~ (21) "Employee" means any person employed by an employer
102 but shall not include any individual employed by such individual's
103 parents, spouse or child, or in the domestic service of any person;

104 ~~[(10)]~~ (22) "Employer" includes the state and all political
105 subdivisions thereof and means any person or employer with three or
106 more persons in such person's or employer's employ;

107 [(11)] (23) "Employment agency" means any person undertaking
108 with or without compensation to procure employees or opportunities
109 to work;

110 (24) "Extension of credit" means all acts incident to the evaluation of
111 an application for credit and the granting of credit;

112 (25) "Fair Housing Act" means Title VIII of the Civil Rights Act of
113 1968, as amended, and known as the federal Fair Housing Act (42 USC
114 3600-3620);

115 (26) "Familial status" means (A) one or more individuals who have
116 not attained the age of eighteen years being domiciled with a parent or
117 another person having legal custody of such individual or individuals;
118 (B) the designee of such parent or other person having such custody
119 with the written permission of such parent or other person; or (C) any
120 person who is pregnant or is in the process of securing legal custody of
121 any individual who has not attained the age of eighteen years;

122 (27) "Family" includes a single individual;

123 (28) "Gender identity or expression" means a person's gender-
124 related identity, appearance or behavior, whether or not that gender-
125 related identity, appearance or behavior is different from that
126 traditionally associated with the person's physiology or assigned sex at
127 birth, which gender-related identity can be shown by providing
128 evidence including, but not limited to, medical history, care or
129 treatment of the gender-related identity, consistent and uniform
130 assertion of the gender-related identity or any other evidence that the
131 gender-related identity is sincerely held, part of a person's core
132 identity or not being asserted for an improper purpose;

133 (29) "Housing for older persons" means housing (A) provided under
134 any state or federal program that the Secretary of the United States
135 Department of Housing and Urban Development determines is
136 specifically designed and operated to assist elderly persons as defined
137 in the state or federal program; (B) intended for, and solely occupied

138 by, persons sixty-two years of age or older; or (C) intended and
139 operated for occupancy by at least one person fifty-five years of age or
140 older per unit in accordance with the standards set forth in the Fair
141 Housing Act and regulations developed pursuant thereto by the
142 Secretary of the United States Department of Housing and Urban
143 Development;

144 (30) "Intellectual disability" means intellectual disability as defined
145 in section 1-1g, as amended by this act;

146 (31) "Invitation to apply for credit" means any communication, oral
147 or written, by a creditor that encourages or prompts an application for
148 credit;

149 [(12)] (32) "Labor organization" means any organization which exists
150 for the purpose, in whole or in part, of collective bargaining or of
151 dealing with employers concerning grievances, terms or conditions of
152 employment, or of other mutual aid or protection in connection with
153 employment;

154 [(13) "Intellectual disability" means intellectual disability as defined
155 in section 1-1g;]

156 (33) "Lawful source of income" means income derived from Social
157 Security, supplemental security income, housing assistance, child
158 support, alimony or public or state-administered general assistance;

159 (34) "Learning disability" means a severe discrepancy between
160 educational performance and measured intellectual ability and a
161 disorder in one or more of the basic psychological processes involved
162 in understanding or in using language, spoken or written, which may
163 manifest itself in a diminished ability to listen, speak, read, write, spell
164 or to do mathematical calculations;

165 (35) "Marital status" means being single, married as recognized by
166 the state, widowed, separated or divorced;

167 (36) "Mental disability" means one or more mental disorders, as
168 defined in the most recent edition of the American Psychiatric
169 Association's "Diagnostic and Statistical Manual of Mental Disorders",
170 or a record of or regarding a person as having one or more such
171 disorders and, for the purposes of section 46a-64c, as amended by this
172 act, also includes, but is not limited to, any handicap, as defined in the
173 Fair Housing Act;

174 (37) "Minority business enterprise" means any contractor,
175 subcontractor or supplier of materials, fifty-one per cent or more of the
176 capital stock, if any, or assets of which is owned by a person or
177 persons: (A) Who are active in the daily affairs of the enterprise; (B)
178 who have the power to direct the management and policies of the
179 enterprise; and (C) who are members of a minority, as defined in
180 subsection (a) of section 32-9n;

181 (38) "Mobile manufactured home park" means a plot of land upon
182 which two or more mobile manufactured homes occupied for
183 residential purposes are located;

184 [(14)] (39) "Person" means one or more individuals, partnerships,
185 associations, corporations, limited liability companies, legal
186 representatives, trustees, trustees in bankruptcy, receivers and the state
187 and all political subdivisions and agencies thereof;

188 (40) "Person claiming to be aggrieved" means any person who
189 claims to have been injured by a discriminatory practice or who
190 believes that such person will be injured by a discriminatory practice
191 that is about to occur;

192 [(15) "Physically disabled" refers to] (41) "Physical disability" means
193 any [individual who has any] chronic physical [handicap] disability,
194 infirmity or impairment, whether congenital or resulting from bodily
195 injury, organic processes or changes or from illness, including, but not
196 limited to, blindness, epilepsy, deafness or hearing impairment or
197 reliance on a wheelchair or other remedial appliance or device and, for

198 the purposes of section 46a-64c, as amended by this act, also includes,
199 but is not limited to, any handicap, as defined in the Fair Housing Act;

200 (42) "Public accommodation, resort or amusement" means any
201 establishment that offers its services, facilities or goods to the general
202 public, including, but not limited to, any commercial property or
203 building lot on which it is intended that a commercial building will be
204 constructed or offered for sale or rent;

205 (43) "Reasonable cause" means a bona fide belief that the material
206 issues of fact are such that a person of ordinary caution, prudence and
207 judgment could believe the facts alleged in the complaint;

208 (44) "Referee" means a human rights referee appointed pursuant to
209 section 46a-57, as amended by this act;

210 (45) "Residential-real-estate-related transaction" means (A) the
211 making or purchasing of loans or providing other financial assistance
212 for purchasing, constructing, improving, repairing or maintaining a
213 dwelling, or secured by residential real estate; or (B) the selling,
214 brokering or appraising of residential real property;

215 [(16)] (46) "Respondent" means any person, whether acting on his or
216 her own behalf or through an attorney, alleged in a complaint filed
217 pursuant to section 46a-82, as amended by this act, to have committed
218 a discriminatory practice;

219 [(17) "Discrimination on the basis of sex" includes but is not limited
220 to discrimination related to pregnancy, child-bearing capacity,
221 sterilization, fertility or related medical conditions;

222 (18) "Discrimination on the basis of religious creed" includes but is
223 not limited to discrimination related to all aspects of religious
224 observances and practice as well as belief, unless an employer
225 demonstrates that the employer is unable to reasonably accommodate
226 to an employee's or prospective employee's religious observance or
227 practice without undue hardship on the conduct of the employer's

228 business;

229 (19) "Learning disability" refers to an individual who exhibits a
230 severe discrepancy between educational performance and measured
231 intellectual ability and who exhibits a disorder in one or more of the
232 basic psychological processes involved in understanding or in using
233 language, spoken or written, which may manifest itself in a diminished
234 ability to listen, speak, read, write, spell or to do mathematical
235 calculations;

236 (20) "Mental disability" refers to an individual who has a record of,
237 or is regarded as having one or more mental disorders, as defined in
238 the most recent edition of the American Psychiatric Association's
239 "Diagnostic and Statistical Manual of Mental Disorders"; and

240 (21) "Gender identity or expression" means a person's gender-
241 related identity, appearance or behavior, whether or not that gender-
242 related identity, appearance or behavior is different from that
243 traditionally associated with the person's physiology or assigned sex at
244 birth, which gender-related identity can be shown by providing
245 evidence including, but not limited to, medical history, care or
246 treatment of the gender-related identity, consistent and uniform
247 assertion of the gender-related identity or any other evidence that the
248 gender-related identity is sincerely held, part of a person's core
249 identity or not being asserted for an improper purpose.]

250 (47) "Sexual orientation" means heterosexuality, homosexuality or
251 bisexuality, or having a history of or being identified as such; and

252 (48) "To rent" includes to lease, to sublease, to let and to otherwise
253 grant for a consideration the right to occupy premises not owned by
254 the occupant.

255 Sec. 3. Section 46a-52 of the general statutes is repealed and the
256 following is substituted in lieu thereof (*Effective July 1, 2013*):

257 (a) The [commission] board of commissioners of the Commission on

258 Human Rights and Opportunities shall consist of nine persons. On and
259 after October 1, 2000, such persons shall be appointed with the advice
260 and consent of both houses of the General Assembly. (1) On or before
261 July 15, 1990, the Governor shall appoint five members of the
262 [commission] board of commissioners, three of whom shall serve for
263 terms of five years and two of whom shall serve for terms of three
264 years. Upon the expiration of such terms, and thereafter, the Governor
265 shall appoint either two or three members, as appropriate, to serve for
266 terms of five years. On or before July 14, 1990, the president pro
267 tempore of the Senate, the minority leader of the Senate, the speaker of
268 the House of Representatives and the minority leader of the House of
269 Representatives shall each appoint one member to serve for a term of
270 three years. Upon the expiration of such terms, and thereafter,
271 [members] commissioners so appointed shall serve for terms of three
272 years. (2) If any vacancy occurs, the appointing authority making the
273 initial appointment shall appoint a person to serve for the remainder of
274 the unexpired term. The Governor shall select one of the [members of
275 the commission] commissioners to serve as chairperson of the board of
276 commissioners for a term of one year. The [commission] board of
277 commissioners shall meet at least once during each two-month period
278 and at such other times as the chairperson deems necessary. Special
279 meetings shall be held on the request of a majority of the [members of
280 the commission] board of commissioners after notice in accordance
281 with the provisions of section 1-225.

282 (b) Except as provided in section 46a-57, as amended by this act, the
283 [members of the commission] commissioners shall serve without pay,
284 but their reasonable expenses, including educational training expenses
285 and expenses for necessary stenographic and clerical help, shall be
286 paid by the state upon approval of the Commissioner of
287 Administrative Services. Not later than two months after appointment
288 to the [commission] board of commissioners, each [member of the
289 commission] commissioner shall receive a minimum of ten hours of
290 introductory training prior to voting on any [commission] matter
291 before the board of commissioners. Each year following such

292 introductory training, each [member] commissioner shall receive five
293 hours of follow-up training. Such introductory and follow-up training
294 shall consist of instruction on the laws governing discrimination in
295 employment, housing, public accommodation and credit, affirmative
296 action and the procedures of the commission. Such training shall be
297 organized by the managing director of the legal division of the
298 commission. Any [member] commissioner who fails to complete such
299 training shall not vote on any [commission] matter before the board of
300 commissioners. Any [member] commissioner who fails to comply with
301 such introductory training requirement within six months of
302 appointment shall be deemed to have resigned from office. Any
303 [member] commissioner who fails to attend three consecutive meetings
304 or who fails to attend fifty per cent of all meetings held during any
305 calendar year shall be deemed to have resigned from office.

306 (c) On or before July 15, 1989, the [commission] board of
307 commissioners shall appoint an executive director who shall be the
308 chief executive officer of the Commission on Human Rights and
309 Opportunities to serve for a term expiring on July 14, 1990. Upon the
310 expiration of such term and thereafter, the executive director shall be
311 appointed for a term of four years. The executive director shall be
312 supervised and annually evaluated by the [commission] board of
313 commissioners. The executive director shall serve at the pleasure of the
314 [commission] board of commissioners but no longer than four years
315 from July fifteenth in the year of his or her appointment unless
316 reappointed pursuant to the provisions of this subsection. The
317 executive director shall receive an annual salary within the salary
318 range of a salary group established by the Commissioner of
319 Administrative Services for the position. The executive director (1)
320 shall conduct comprehensive planning with respect to the functions of
321 the commission; (2) shall coordinate the activities of the commission;
322 and (3) shall cause the administrative organization of the commission
323 to be examined with a view to promoting economy and efficiency. In
324 accordance with established procedures, the executive director may
325 enter into such contractual agreements as may be necessary for the

326 discharge of the director's duties.

327 (d) The executive director may appoint no more than two deputy
328 directors with the approval of a majority of the [members of the
329 commission] board of commissioners. The deputy directors shall be
330 supervised by the executive director and shall assist the executive
331 director in the administration of the commission, the effectuation of its
332 statutory responsibilities and such other duties as may be assigned by
333 the executive director. Deputy directors shall serve at the pleasure of
334 the executive director and without tenure. The executive director may
335 remove a deputy director with the approval of a majority of the
336 [members of the commission] board of commissioners.

337 (e) The commission shall be within the Labor Department for
338 administrative purposes only.

339 Sec. 4. Section 46a-54 of the general statutes is repealed and the
340 following is substituted in lieu thereof (*Effective July 1, 2013*):

341 The commission shall have the following powers and duties:

342 (1) To establish and maintain such offices as the commission may
343 deem necessary;

344 (2) To organize the commission into a division of affirmative action
345 monitoring and contract compliance, a division of discriminatory
346 practice complaints, a legal division and such other divisions, bureaus
347 or units as may be necessary for the efficient conduct of business; [of
348 the commission;]

349 (3) To employ legal staff and commission legal counsel as necessary
350 to perform the duties and responsibilities under [section 46a-55] this
351 chapter. One commission legal counsel shall serve as supervising
352 attorney. Each commission legal counsel shall be admitted to practice
353 law in this state;

354 (4) To appoint such investigators and other employees and agents as

355 it deems necessary, fix their compensation within the limitations
356 provided by law and prescribe their duties;

357 (5) To adopt, publish, amend and rescind regulations, in
358 consultation with the board of commissioners, consistent with and to
359 effectuate the provisions of this chapter;

360 (6) To establish rules of practice to govern, expedite and effectuate
361 the procedures set forth in this chapter;

362 (7) To recommend policies and make recommendations to agencies
363 and officers of the state and local subdivisions of government to
364 effectuate the policies of this chapter;

365 (8) To receive, initiate as provided in section 46a-82, as amended by
366 this act, investigate and mediate discriminatory practice complaints;

367 (9) By itself or [with or by hearing officers or human rights referees]
368 by presiding officers, to hold hearings, subpoena witnesses and
369 compel their attendance, administer oaths, take the testimony of any
370 person under oath and require the production for examination of any
371 books and papers relating to any matter under investigation or in
372 question;

373 (10) To make rules as to the procedure for the issuance of subpoenas
374 by individual commissioners [, hearing officers and human rights
375 referees] and presiding officers;

376 (11) To require written answers to interrogatories under oath
377 relating to any complaint under investigation pursuant to this chapter
378 alleging any discriminatory practice, [as defined in subdivision (8) of
379 section 46a-51,] and to adopt regulations, in accordance with the
380 provisions of chapter 54, for the procedure for the issuance of
381 interrogatories and compliance with interrogatory requests;

382 (12) To [utilize such] accept voluntary and uncompensated services
383 [of] from private individuals, agencies and organizations; [as may

384 from time to time be offered and needed and with the cooperation of
385 such agencies, (A) to study the problems of discrimination in all or
386 specific fields of human relationships, and (B) to foster through
387 education and community effort or otherwise good will among the
388 groups and elements of the population of the state;]

389 (13) To require the posting by an employer, employment agency or
390 labor organization of such notices regarding statutory provisions as
391 the commission shall provide;

392 (14) To require the posting, by any respondent or other person
393 subject to the requirements of section 46a-64, as amended by this act,
394 or 46a-64c, as amended by this act, [46a-81d or 46a-81e,] of such notices
395 of statutory provisions as it deems desirable;

396 (15) (A) To require an employer having three or more employees to
397 post in a prominent and accessible location information concerning the
398 illegality of sexual harassment and the remedies available to victims of
399 sexual harassment; and (B) to require an employer having fifty or more
400 employees to provide two hours of training and education [to all
401 supervisory employees within one year of October 1, 1992, and]
402 relating to the illegality of sexual harassment to all new supervisory
403 employees within six months of their assumption of a supervisory
404 position, provided any employer who has provided such training and
405 education to any such employees after October 1, 1991, shall not be
406 required to provide such training and education a second time. Such
407 training and education shall include information concerning the
408 federal and state statutory provisions concerning sexual harassment
409 and the remedies available to victims of sexual harassment. As used in
410 this subdivision, "sexual harassment" [shall have] has the same
411 meaning as set forth in subdivision [(8)] (6) of subsection (a) of section
412 46a-60, as amended by this act, and "employer" shall include the
413 General Assembly;

414 (16) To require each state agency that employs one or more
415 employees to (A) provide a minimum of three hours of diversity

416 training and education [(i) to all supervisory and nonsupervisory
417 employees, not later than July 1, 2002, with priority for such training to
418 supervisory employees, and (ii)] to all newly hired supervisory and
419 nonsupervisory employees, not later than six months after their
420 assumption of a position with a state agency, with priority for such
421 training to supervisory employees. Such training and education shall
422 include information concerning the federal and state statutory
423 provisions concerning discrimination and hate crimes directed at
424 protected classes and the remedies available to victims of
425 discrimination and hate crimes, standards for working with and
426 serving persons from diverse populations and strategies for addressing
427 differences that may arise from diverse work environments; and (B)
428 submit an annual report to the [Commission on Human Rights and
429 Opportunities] commission concerning the status of the diversity
430 training and education required under subparagraph (A) of this
431 subdivision. The information in such annual reports shall be reviewed
432 by the commission for the purpose of submitting an annual summary
433 report to the General Assembly. [Notwithstanding the provisions of
434 this section, if a state agency has provided such diversity training and
435 education to any of its employees prior to October 1, 1999, such state
436 agency shall not be required to provide such training and education a
437 second time to such employees.] The requirements of this subdivision
438 shall be accomplished within available appropriations. As used in this
439 subdivision, "employee" [shall include] includes any part-time
440 employee who works more than twenty hours per week;

441 (17) To require each agency to submit information demonstrating its
442 compliance with subdivision (16) of this section as part of its
443 affirmative action plan and to receive and investigate complaints
444 concerning the failure of a state agency to comply with the
445 requirements of subdivision (16) of this section; and

446 (18) To enter into contracts for and accept grants of private or
447 federal funds and to accept gifts, donations or bequests, including
448 donations of service by attorneys and other individuals.

449 Sec. 5. Section 46a-56 of the general statutes is repealed and the
450 following is substituted in lieu thereof (*Effective July 1, 2013*):

451 (a) The commission shall:

452 (1) Investigate the possibilities of affording equal opportunity of
453 profitable employment to all persons, with particular reference to job
454 training and placement;

455 (2) Compile facts concerning discrimination in employment,
456 violations of civil liberties and other related matters;

457 (3) Investigate and proceed in all cases of discriminatory practices as
458 provided in this chapter and noncompliance with the provisions of
459 section 4a-60, as amended by this act, [or 4a-60a] or sections 46a-68c to
460 46a-68f, inclusive;

461 (4) From time to time [, but not less than once a year,] report to the
462 Governor, [as provided in section 4-60,] making recommendations for
463 the removal of such injustices as it may find to exist and such other
464 recommendations as it deems advisable and describing the
465 investigations, proceedings and hearings it has conducted and their
466 outcome, the decisions it has rendered and the other work it has
467 performed;

468 (5) Monitor state contracts to determine whether they are in
469 compliance with [sections] section 4a-60, as amended by this act, [and
470 4a-60a,] and those provisions of the general statutes [which] that
471 prohibit discrimination; and

472 (6) Compile data concerning state contracts with female and
473 minority business enterprises and submit a report annually to the
474 General Assembly concerning the employment of such business
475 enterprises as contractors and subcontractors.

476 (b) The [commission] board of commissioners may, when it is
477 deemed in the best interests of the state, exempt a contractor or

478 subcontractor from [the requirements of] complying with any or all of
 479 the provisions of section 4a-60, as amended by this act, [4a-60a,] 46a-
 480 68c, 46a-68d or 46a-68e in any specific contract. Exemptions under [the
 481 provisions of this section] this subsection may include, but not be
 482 limited to, the following: [instances:] (1) [If the] The work is to be or
 483 has been performed outside the state and no recruitment of workers
 484 within [the limits of] the state is involved; (2) [those involving] the
 485 contract involves less than a specified [amounts] amount of money or
 486 specified numbers of workers; [(3) to the extent that they involve
 487 subcontracts] or (3) the subcontract falls below a specified tier. The
 488 [commission] board of commissioners may also exempt facilities of a
 489 contractor [which] that are in all respects separate and distinct from
 490 activities of the contractor related to the performance of the contract,
 491 provided such an exemption shall not interfere with or impede [the
 492 effectuation of the purposes of] compliance with this section and
 493 sections 4a-60, as amended by this act, [4a-60a,] 4a-60g, as amended by
 494 this act, 4a-62 and 46a-68b to 46a-68k, inclusive, as amended by this
 495 act.

496 (c) If the commission determines through its monitoring and
 497 compliance procedures that a contractor or subcontractor is not
 498 complying with antidiscrimination statutes or contract provisions
 499 required under section 4a-60, as amended by this act, or [4a-60a or the
 500 provisions of] sections 46a-68c to 46a-68f, inclusive, the commission
 501 may issue a complaint pursuant to subsection (c) of section 46a-82, as
 502 amended by this act. Such complaint shall be scheduled for a hearing
 503 before a [hearing officer or human rights] referee appointed to act as a
 504 presiding officer. Such hearing shall be held in accordance with
 505 chapter 54 and section 46a-84, as amended by this act. If, after such
 506 hearing, the presiding officer makes a finding of noncompliance with
 507 antidiscrimination statutes or contract provisions required under
 508 section 4a-60, as amended by this act, or [4a-60a or the provisions of]
 509 sections 46a-68c to 46a-68f, inclusive, the presiding officer shall order
 510 such relief as is necessary to achieve full compliance with any
 511 antidiscrimination statute and required contract provisions. The

512 presiding officer may: (1) Order the state to retain the two per cent of
 513 the total contract price per month on any existing contract with such
 514 contractor that the state withheld pursuant to section 46a-68d and
 515 transfer the funds to the State Treasurer for deposit in the special fund
 516 described in subsection (e) of this section; (2) prohibit the contractor
 517 from participation in any further contracts with state agencies until:
 518 (A) The expiration of a period of two years from the date of the finding
 519 of noncompliance, or (B) the presiding officer determines that the
 520 contractor has adopted policies consistent with such statutes, provided
 521 the presiding officer shall make such determination within forty-five
 522 days of such finding of noncompliance; (3) publish, or cause to be
 523 published, the names of contractors or unions that the presiding officer
 524 has found to be in noncompliance with such provisions; (4) notify the
 525 Attorney General that, in cases in which there is substantial [or
 526 material] violation or the threat of substantial [or material] violation of
 527 [the contractual provisions set forth in] section 4a-60, as amended by
 528 this act, [or 4a-60a,] appropriate proceedings should be brought to
 529 enforce such provisions, including the enjoining [, within the
 530 limitations of applicable law,] of organizations, individuals or groups
 531 [who] that prevent [directly or indirectly,] or seek to prevent [directly
 532 or indirectly,] compliance with [the provisions of] section 4a-60, as
 533 amended by this act; [or 4a-60a;] (5) recommend to the Equal
 534 Employment Opportunity Commission or the Department of Justice
 535 that appropriate proceedings be instituted under Title VII of the Civil
 536 Rights Act of 1964, or related laws, when necessary; (6) recommend to
 537 the appropriate prosecuting authority that criminal proceedings be
 538 brought for the furnishing of false information to any contracting
 539 agency or to the commission; [as the case may be;] (7) order the
 540 contractor to bring itself into compliance with antidiscrimination
 541 statutes or contract provisions required under section 4a-60, as
 542 amended by this act, [or 4a-60a] or sections 46a-68c to 46a-68f,
 543 inclusive, within a period of thirty days or, for good cause shown,
 544 within an additional period of thirty days, and, if such contractor fails
 545 to bring itself into such compliance within such time period and such
 546 noncompliance is substantial [or material] or there is a pattern of

547 noncompliance, recommend to the contracting agency that such
 548 agency declare the contractor to be in breach of the contract and that
 549 such agency pursue all available remedies; [or] (8) order the
 550 contracting agency to refrain from entering into further contracts, or
 551 extensions or other modifications of existing contracts, with any
 552 noncomplying contractor, until such contractor has satisfied the
 553 commission that such contractor has established and will carry out
 554 personnel and employment policies [in compliance] that comply with
 555 antidiscrimination statutes and [the provisions of] section 4a-60, as
 556 amended by this act, [or 4a-60a] and sections 46a-68c to 46a-68f,
 557 inclusive; or (9) order two or more such remedies or other relief
 558 designed to achieve full compliance with antidiscrimination statutes
 559 and required contract provisions. The commission shall adopt
 560 regulations, in accordance with chapter 54, to implement the
 561 provisions of this section.

562 (d) If the commission determines, through its monitoring and
 563 compliance procedures, [and after a complaint is filed and a hearing is
 564 held pursuant to subsection (c) of this section,] that, with respect to a
 565 state contract, a contractor, subcontractor, service provider or supplier
 566 of materials has (1) fraudulently qualified as a minority business
 567 enterprise, or (2) performed services or supplied materials on behalf of
 568 another contractor, subcontractor, service provider or supplier of
 569 materials knowing (A) that such other contractor, subcontractor,
 570 service provider or supplier has fraudulently qualified as a minority
 571 business enterprise in order to appear to comply with
 572 antidiscrimination statutes or contract provisions required under
 573 section 4a-60, as amended by this act, [or 4a-60a,] and (B) that such
 574 services or materials are to be used in connection with a contract
 575 entered into pursuant to subsection (b) of section 4a-60g, [the hearing
 576 officer or human rights referee before whom such hearing was held]
 577 the commission may issue a complaint pursuant to subsection (c) of
 578 section 46a-82, as amended by this act. Such complaint shall be
 579 scheduled for a hearing before a referee appointed by the chief referee
 580 to act as a presiding officer. Such hearing shall be held in accordance

581 with chapter 54 and section 46a-84, as amended by this act. If, after
582 such hearing, the presiding officer makes a finding that a contractor,
583 subcontractor, service provider or supplier of materials has violated
584 this subsection, the presiding officer shall assess a civil penalty of not
585 more than ten thousand dollars upon such contractor, subcontractor,
586 service provider or supplier of materials.

587 (e) The Attorney General, upon complaint of the commission, shall
588 institute a civil action in the superior court for the judicial district of
589 Hartford to recover [such] any penalty assessed pursuant to subsection
590 (d) of this section. Any penalties recovered pursuant to this subsection
591 shall be deposited in a special fund and shall be held by the State
592 Treasurer separate and apart from all other moneys, funds and
593 accounts. The resources in such fund shall, pursuant to regulations
594 adopted by the commission in accordance with the provisions of
595 chapter 54, be used to assist minority business enterprises. [As used in
596 this section, "minority business enterprise" means any contractor,
597 subcontractor or supplier of materials fifty-one per cent or more of the
598 capital stock, if any, or assets of which is owned by a person or
599 persons: (i) Who are active in the daily affairs of the enterprise; (ii) who
600 have the power to direct the management and policies of the
601 enterprise; and (iii) who are members of a minority, as defined in
602 subsection (a) of section 32-9n.]

603 Sec. 6. Section 46a-57 of the general statutes is repealed and the
604 following is substituted in lieu thereof (*Effective July 1, 2013*):

605 [(a) (1) The Governor shall appoint three human rights referees for
606 terms commencing October 1, 1998, and four human rights referees for
607 terms commencing January 1, 1999. The human rights referees so
608 appointed shall serve for a term of one year.

609 (2) (A) On and after October 1, 1999, the Governor shall appoint
610 seven human rights referees with the advice and consent of both
611 houses of the General Assembly. The Governor shall appoint three
612 human rights referees to serve for a term of two years commencing

613 October 1, 1999. The Governor shall appoint four human rights
614 referees to serve for a term of three years commencing January 1, 2000.
615 Thereafter, human rights referees shall serve for a term of three years.

616 (B) On and after July 1, 2001, there shall be five human rights
617 referees. Each of the human rights referees serving on July 1, 2001,
618 shall complete the term to which such referee was appointed.
619 Thereafter, human rights referees shall be appointed by the Governor,
620 with the advice and consent of both houses of the General Assembly,
621 to serve for a term of three years.

622 (C) On and after July 1, 2004, there shall be seven human rights
623 referees. Each of the human rights referees serving on July 1, 2004,
624 shall complete the term to which such referee was appointed and shall
625 serve until his successor is appointed and qualified. Thereafter, human
626 rights referees shall be appointed by the Governor, with the advice and
627 consent of both houses of the General Assembly, to serve for a term of
628 three years.

629 (D) On and after October 5, 2009, and until July 1, 2011, there shall
630 be five human rights referees. Each of the human rights referees
631 serving on October 5, 2009, shall serve until the term to which such
632 referee was appointed is completed, or until July 1, 2011, whichever is
633 earlier, and shall serve until a successor is appointed and qualified. In
634 the case of a vacancy, a successor shall be appointed by the Governor,
635 with the advice and consent of both houses of the General Assembly,
636 to serve until July 1, 2011.

637 (E) On and after July 1, 2011, there]

638 (a) (1) There shall be three human rights referees who shall [(i)] (A)
639 be appointed by the Governor with the advice and consent of both
640 houses of the General Assembly, and [(ii)] (B) serve for a term of three
641 years.

642 [(3)] (2) When the General Assembly is not in session, any vacancy
643 shall be filled pursuant to the provisions of section 4-19. The Governor

644 may remove any human rights referee for cause.

645 (b) [Human rights referees] Referees shall serve full-time and shall
646 conduct the settlement negotiations and hearings authorized by the
647 provisions of this chapter. A [human rights] referee shall have the
648 powers granted to [hearing officers and] presiding officers by chapter
649 54 and this chapter. A [human rights] referee shall be an attorney
650 admitted to the practice of law in this state. Any commissioner of the
651 Superior Court who is able and willing to hear discriminatory practice
652 complaints may submit his or her name to the Governor for
653 consideration for appointment. [as a human rights referee. No human
654 rights] No referee shall appear before the commission or another
655 [hearing] presiding officer for one year after leaving office.

656 (c) [On or after October 1, 1998, the executive director] The
657 Governor shall designate one [human rights] referee to serve as [Chief
658 Human Rights Referee] chief referee for a term of one year. The [Chief
659 Human Rights Referee] chief referee, in consultation with the executive
660 director, shall supervise and assign [the human rights referees]
661 presiding officers to conduct settlement negotiations and hearings on
662 complaints [, including complaints for which a trial on the merits has
663 not commenced prior to October 1, 1998,] on a rotating basis. The
664 commission, in consultation with the executive director and [Chief
665 Human Rights Referee] chief referee, shall adopt regulations and rules
666 of practice, in accordance with chapter 54, to ensure consistent
667 procedures governing contested case proceedings.

668 (d) When serving as a presiding officer as provided in section 46a-
669 84, as amended by this act, each [human rights] referee [or hearing
670 officer] shall have the same subpoena powers as are granted to
671 commissioners by subdivision (9) of section 46a-54, as amended by this
672 act. Each presiding officer shall also have the power to determine a
673 reasonable fee to be paid to an expert witness [, including, but not
674 limited to, any practitioner of the healing arts, as defined in section 20-
675 1, dentist, registered nurse or licensed practical nurse, as defined in
676 section 20-87a, and real estate appraiser when any such expert witness

677 is summoned by the commission to give expert testimony, in person or
678 by deposition, in any contested case proceeding, pursuant to section
679 46a-84. Such fee shall be paid to the expert witness in lieu of all other
680 witness fees.] called by the commission to give expert testimony in
681 person or by deposition pursuant to section 46a-84, as amended by this
682 act. Such fee shall be paid to the expert witness in lieu of all other
683 witness fees. As used in this subsection, "expert witness" includes, but
684 is not limited to, any practitioner of the healing arts, as defined in
685 section 20-1, dentist licensed under chapter 379, registered nurse or
686 licensed practical nurse licensed under chapter 378, and real estate
687 appraiser licensed under chapter 400g.

688 Sec. 7. Section 46a-58 of the general statutes is repealed and the
689 following is substituted in lieu thereof (*Effective July 1, 2013*):

690 (a) It shall be a discriminatory practice in violation of this section for
691 any person to subject, or cause to be subjected, any other person to the
692 deprivation of any rights, privileges or immunities, secured or
693 protected by the Constitution or laws of this state or of the United
694 States, [on account] because of [religion, national origin, alienage,
695 color,] race, color, religion, age, sex, gender identity or expression,
696 sexual orientation, [blindness] marital status, national origin, ancestry,
697 mental disability, intellectual disability, learning disability or physical
698 disability.

699 (b) Any person who intentionally desecrates any public property,
700 monument or structure, or any religious object, symbol or house of
701 religious worship, or any cemetery, or any private structure not owned
702 by such person, shall be in violation of subsection (a) of this section.
703 For the purposes of this subsection, "desecrate" means to mar, deface
704 or damage as a demonstration of irreverence or contempt.

705 (c) Any person who places a burning cross or a simulation thereof
706 on any public property, or on any private property without the written
707 consent of the owner, shall be in violation of subsection (a) of this
708 section.

709 (d) Any person who places a noose or a simulation thereof on any
710 public property, or on any private property without the written
711 consent of the owner, and with intent to intimidate or harass any other
712 person [on account] because of [religion, national origin, alienage,
713 color,] race, color, religion, age, sex, gender identity or expression,
714 sexual orientation, [blindness] marital status, national origin, ancestry,
715 mental disability, intellectual disability, learning disability or physical
716 disability, shall be in violation of subsection (a) of this section.

717 (e) Any person who violates any provision of this section shall be
718 guilty of a class A misdemeanor, except that if property is damaged as
719 a consequence of such violation in an amount in excess of one
720 thousand dollars, such person shall be guilty of a class D felony.

721 Sec. 8. Subsection (a) of section 46a-59 of the general statutes is
722 repealed and the following is substituted in lieu thereof (*Effective July*
723 *1, 2013*):

724 (a) It shall be a discriminatory practice in violation of this section for
725 any association, board or other organization the principal purpose of
726 which is the furtherance of the professional, trade or occupational
727 interests of its members, [whose] if the profession, trade or occupation
728 requires a state license, to refuse to accept a person as a member of
729 such association, board or organization because of [his] race, [national
730 origin, creed] color, religion, age, sex, gender identity or expression,
731 [or color] sexual orientation, marital status, national origin, ancestry,
732 mental disability, intellectual disability, learning disability or physical
733 disability.

734 Sec. 9. (NEW) (*Effective July 1, 2013*) It shall be a discriminatory
735 practice in violation of this section:

736 (1) For any entity to retaliate or otherwise discriminate against any
737 person because such person has opposed any discriminatory practice
738 or because such person has filed a complaint, testified or assisted in
739 any proceeding under chapter 814c of the general statutes; or

740 (2) For any person to aid, abet, incite, compel or coerce the doing of
741 any act declared to be a discriminatory practice or to attempt to aid,
742 abet, incite, compel or coerce the doing of any such act.

743 Sec. 10. Subsection (a) of section 46a-60 of the general statutes is
744 repealed and the following is substituted in lieu thereof (*Effective July*
745 *1, 2013*):

746 (a) It shall be a discriminatory practice in violation of this section:

747 (1) For an employer, by the employer or the employer's agent,
748 except in the case of a bona fide occupational qualification or need, to
749 refuse to hire or employ or to bar or to discharge from employment
750 any individual or to discriminate against such individual in
751 compensation or in terms, conditions or privileges of employment
752 because of the individual's race, color, [religious creed] religion, age,
753 sex, gender identity or expression, sexual orientation, marital status,
754 national origin, ancestry, [present or past history of] mental disability,
755 intellectual disability, learning disability or physical disability; [,
756 including, but not limited to, blindness;]

757 (2) For any employment agency, except in the case of a bona fide
758 occupational qualification or need, to fail or refuse to classify properly
759 or refer for employment or otherwise to discriminate against any
760 individual because of such individual's race, color, [religious creed]
761 religion, age, sex, gender identity or expression, sexual orientation,
762 marital status, national origin, ancestry, [present or past history of]
763 mental disability, intellectual disability, learning disability or physical
764 disability; [, including, but not limited to, blindness;]

765 (3) For a labor organization, [because of the race, color, religious
766 creed, age, sex, gender identity or expression, marital status, national
767 origin, ancestry, present or past history of mental disability,
768 intellectual disability, learning disability or physical disability,
769 including, but not limited to, blindness of any individual] except in the
770 case of a bona fide occupational qualification or need, to exclude from

771 full membership rights or to expel from its membership [such] any
772 individual or to discriminate in any way against any of its members or
773 against any employer or any individual employed by an employer [,
774 unless such action is based on a bona fide occupational qualification]
775 because of such individual's race, color, religion, age, sex, gender
776 identity or expression, sexual orientation, marital status, national
777 origin, ancestry, mental disability, intellectual disability, learning
778 disability or physical disability;

779 [(4) For any person, employer, labor organization or employment
780 agency to discharge, expel or otherwise discriminate against any
781 person because such person has opposed any discriminatory
782 employment practice or because such person has filed a complaint or
783 testified or assisted in any proceeding under section 46a-82, 46a-83 or
784 46a-84;

785 (5) For any person, whether an employer or an employee or not, to
786 aid, abet, incite, compel or coerce the doing of any act declared to be a
787 discriminatory employment practice or to attempt to do so;]

788 [(6)] (4) For any person, employer, employment agency or labor
789 organization, except in the case of a bona fide occupational
790 qualification or need, to advertise employment opportunities in such a
791 manner as to restrict such employment so as to discriminate against
792 individuals because of their race, color, [religious creed] religion, age,
793 sex, gender identity or expression, sexual orientation, marital status,
794 national origin, ancestry, [present or past history of] mental disability,
795 intellectual disability, learning disability or physical disability; [,
796 including, but not limited to, blindness;]

797 [(7)] (5) For an employer, by the employer or the employer's agent:
798 (A) To terminate a woman's employment because of her pregnancy;
799 (B) to refuse to grant to that employee a reasonable leave of absence for
800 disability resulting from her pregnancy; (C) to deny to that employee,
801 who is disabled as a result of pregnancy, any compensation to which
802 she is entitled as a result of the accumulation of disability or leave

803 benefits accrued pursuant to plans maintained by the employer; (D) to
804 fail or refuse to reinstate the employee to her original job or to an
805 equivalent position with equivalent pay and accumulated seniority,
806 retirement, fringe benefits and other service credits upon her
807 signifying her intent to return unless, in the case of a private employer,
808 the employer's circumstances have so changed as to make it impossible
809 or unreasonable to do so; (E) to fail or refuse to make a reasonable
810 effort to transfer a pregnant employee to any suitable temporary
811 position which may be available in any case in which an employee
812 gives written notice of her pregnancy to her employer and the
813 employer or pregnant employee reasonably believes that continued
814 employment in the position held by the pregnant employee may cause
815 injury to the employee or fetus; (F) to fail or refuse to inform the
816 pregnant employee that a transfer pursuant to subparagraph (E) of this
817 subdivision may be appealed under the provisions of this chapter; or
818 (G) to fail or refuse to inform employees of the employer, by any
819 reasonable means, that they must give written notice of their
820 pregnancy [in order] to be eligible for transfer to a temporary position;

821 [(8)] (6) For an employer, by the employer or the employer's agent,
822 for an employment agency, by itself or its agent, or for any labor
823 organization, by itself or its agent, to harass or to permit the sexual
824 harassment of any employee, person seeking employment or member
825 [on the basis] because of sex, sexual orientation or gender identity or
826 expression. "Sexual harassment" shall, for the purposes of this section,
827 be defined as any unwelcome sexual advances or requests for sexual
828 favors or any conduct of a sexual nature when (A) submission to such
829 conduct is made either explicitly or implicitly a term or condition of an
830 individual's employment, (B) submission to or rejection of such
831 conduct by an individual is used as the basis for employment decisions
832 affecting such individual, or (C) such conduct has the purpose or effect
833 of substantially interfering with an individual's work performance or
834 creating an intimidating, hostile or offensive working environment;

835 [(9)] (7) For an employer, by the employer or the employer's agent,

836 for an employment agency, by itself or its agent, or for any labor
837 organization, by itself or its agent, to request or require information
838 from an employee, person seeking employment or member relating to
839 the individual's child-bearing age or plans, pregnancy, function of the
840 individual's reproductive system, use of birth control methods, or the
841 individual's familial responsibilities, unless such information is
842 directly related to a bona fide occupational qualification or need,
843 provided an employer, through a physician, may request from an
844 employee any such information which is directly related to workplace
845 exposure to substances which may cause birth defects or constitute a
846 hazard to an individual's reproductive system or to a fetus if the
847 employer first informs the employee of the hazards involved in
848 exposure to such substances;

849 [(10)] (8) For an employer, by the employer or the employer's agent,
850 after informing an employee, pursuant to subdivision [(9)] (7) of this
851 subsection, of a workplace exposure to substances which may cause
852 birth defects or constitute a hazard to an employee's reproductive
853 system or to a fetus, to fail or refuse, upon the employee's request, to
854 take reasonable measures to protect the employee from the exposure
855 or hazard identified, or to fail or refuse to inform the employee that the
856 measures taken may be the subject of a complaint filed under the
857 provisions of this chapter. Nothing in this subdivision is intended to
858 prohibit an employer from taking reasonable measures to protect an
859 employee from exposure to such substances. For the purpose of this
860 subdivision, "reasonable measures" shall be those measures [which]
861 that are consistent with business necessity and are least disruptive of
862 the terms and conditions of the employee's employment;

863 [(11)] (9) For an employer, by the employer or the employer's agent,
864 for an employment agency, by itself or its agent, or for any labor
865 organization, by itself or its agent: (A) To request or require genetic
866 information from an employee, person seeking employment or
867 member, or (B) to discharge, expel or otherwise discriminate against
868 any person on the basis of genetic information. For the purpose of this

subdivision, "genetic information" means the information about genes, gene products or inherited characteristics that may derive from an individual or a family member.

Sec. 11. Subsection (a) of section 4a-60 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) Every contract to which the state or any political subdivision of the state other than a municipality is a party shall contain the following provisions:

(1) The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons [on the grounds] because of race, color, [religious creed] religion, age, [marital status, national origin, ancestry,] sex, gender identity or expression, [intellectual disability, mental disability] sexual orientation, marital status, national origin, ancestry, mental disability, intellectual disability, learning disability or physical disability, [including, but not limited to, blindness,] unless it is shown by such contractor that such disability prevents performance of the work involved, in any manner prohibited by the laws of the United States or of the state of Connecticut; and the contractor further agrees to take affirmative action to [insure] ensure that applicants with job-related qualifications are employed and that employees are treated when employed without regard to their race, color, [religious creed] religion, age, [marital status, national origin, ancestry,] sex, gender identity or expression, [intellectual disability, mental disability] sexual orientation, marital status, national origin, ancestry, mental disability, intellectual disability, learning disability or physical disability, [including, but not limited to, blindness,] unless it is shown by such contractor that such disability prevents performance of the work involved;

(2) The contractor agrees, in all solicitations or advertisements for employees placed by or on behalf of the contractor, to state that it is an

901 "affirmative action-equal opportunity employer" in accordance with
902 regulations adopted by the commission;

903 (3) The contractor agrees to provide each labor union or
904 representative of workers with which such contractor has a collective
905 bargaining agreement or other contract or understanding and each
906 vendor with which such contractor has a contract or understanding, a
907 notice to be provided by the commission advising the labor union or
908 workers' representative of the contractor's commitments under this
909 section, and to post copies of the notice in conspicuous places available
910 to employees and applicants for employment;

911 (4) The contractor agrees to comply with each provision of this
912 section and sections 46a-68e and 46a-68f and with each regulation or
913 relevant order issued by said commission pursuant to sections 46a-56,
914 as amended by this act, 46a-68e, [and] 46a-68f and 46a-86, as amended
915 by this act; and

916 (5) The contractor agrees to provide the Commission on Human
917 Rights and Opportunities with such information requested by the
918 commission, and permit access to pertinent books, records and
919 accounts, concerning the employment practices and procedures of the
920 contractor as relate to the provisions of this section and section 46a-56,
921 as amended by this act.

922 Sec. 12. Subsection (b) of section 4a-60 of the general statutes is
923 repealed and the following is substituted in lieu thereof (*Effective July*
924 *1, 2013*):

925 (b) If the contract is a public works contract, the contractor agrees
926 and warrants that [he] such contractor will make good faith efforts to
927 employ minority business enterprises as subcontractors and suppliers
928 of materials on such public works project.

929 Sec. 13. Subdivision (7) of subsection (a) of section 4a-60g of the
930 general statutes is repealed and the following is substituted in lieu
931 thereof (*Effective July 1, 2013*):

932 (7) "Individual with a disability" means an individual [(A) having a
 933 physical or mental impairment that substantially limits one or more of
 934 the major life activities of the individual, which mental impairment
 935 may include, but is not limited to, having one or more mental
 936 disorders, as defined in the most recent edition of the American
 937 Psychiatric Association's "Diagnostic and Statistical Manual of Mental
 938 Disorders", or (B) having a record of such an impairment] who has a
 939 mental disability or physical disability, as those terms are defined in
 940 section 46a-51, as amended by this act.

941 Sec. 14. Section 46a-64 of the general statutes is repealed and the
 942 following is substituted in lieu thereof (*Effective July 1, 2013*):

943 (a) It shall be a discriminatory practice in violation of this section: (1)
 944 To deny any person within the jurisdiction of this state full and equal
 945 accommodations in any [place of] public accommodation, resort or
 946 amusement because of race, [creed,] color, [national origin, ancestry]
 947 religion, age, sex, gender identity or expression, sexual orientation,
 948 marital status, [age, lawful source of income, intellectual disability]
 949 national origin, ancestry, mental disability, [or] intellectual disability,
 950 learning disability, physical disability [, including, but not limited to,
 951 blindness or deafness of the applicant] or lawful source of income,
 952 subject only to the conditions and limitations established by law and
 953 applicable alike to all persons; (2) to discriminate, segregate or separate
 954 on account of race, [creed,] color, [national origin, ancestry] religion,
 955 age, sex, gender identity or expression, sexual orientation, marital
 956 status, [age, lawful source of income, intellectual disability] national
 957 origin, ancestry, mental disability, intellectual disability, learning
 958 disability, [or] physical disability [, including, but not limited to,
 959 blindness or deafness] or lawful source of income; (3) for a [place of]
 960 public accommodation, resort or amusement to restrict or limit the
 961 right of a mother to breast-feed her child; (4) for a [place of] public
 962 accommodation, resort or amusement to fail or refuse to post a notice,
 963 in a conspicuous place, that any blind, deaf, [or] mobility impaired or
 964 otherwise disabled person, accompanied by [his] a guide dog wearing

965 a harness or an orange-colored leash and collar, may enter such
 966 premises or facilities; or (5) to deny any blind, deaf, [or] mobility
 967 impaired or otherwise disabled person or any person training a dog as
 968 a guide dog [for a blind person or a dog to assist a deaf or mobility
 969 impaired person,] or an assistance dog accompanied by [his] a guide
 970 dog or assistance dog, full and equal access to any [place of] public
 971 accommodation, resort or amusement. Any blind, deaf, [or] mobility
 972 impaired or otherwise disabled person or any person training a dog as
 973 a guide dog [for a blind person or a dog to assist a deaf or mobility
 974 impaired person] or an assistance dog may keep [his] a guide dog or
 975 assistance dog [with him] at all times in such [place of] public
 976 accommodation, resort or amusement at no extra charge, provided the
 977 dog wears a harness or an orange-colored leash and collar and is in the
 978 direct custody of such person. The blind, deaf, [or] mobility impaired
 979 or otherwise disabled person or person training a dog as a guide dog
 980 [for a blind person or a dog to assist a deaf or mobility impaired
 981 person] or an assistance dog shall be liable for any damage done to the
 982 premises or facilities by [his] such dog. For purposes of this
 983 subdivision, "guide dog" or "assistance dog" includes a dog being
 984 trained as a guide dog or assistance dog and ["person training a dog as
 985 a guide dog for a blind person or a dog to assist a deaf or mobility
 986 impaired person"] "person training a dog as a guide dog or an
 987 assistance dog" means a person who is employed by and authorized to
 988 engage in designated training activities by a guide dog organization or
 989 assistance dog organization that complies with the criteria for
 990 membership in a professional association of guide dog or assistance
 991 dog schools and who carries photographic identification indicating
 992 such employment and authorization.

993 (b) (1) The provisions of this section with respect to the prohibition
 994 of [sex] discrimination because of sex shall not apply to (A) the rental
 995 of sleeping accommodations provided by associations and
 996 organizations which rent all such sleeping accommodations on a
 997 temporary or permanent basis for the exclusive use of persons of the
 998 same sex or (B) separate bathrooms or locker rooms based on sex. (2)

999 The provisions of this section with respect to the prohibition of
 1000 discrimination [on the basis] because of age shall not apply to minors
 1001 or to special discount or other public or private programs to assist
 1002 persons sixty years of age and older. (3) The provisions of this section
 1003 with respect to the prohibition of discrimination [on the basis] because
 1004 of physical disability shall not require any person to modify [his] such
 1005 person's property in any way or provide a higher degree of care for a
 1006 physically disabled person, including, but not limited to blind or deaf
 1007 persons, than for a person not physically disabled, unless otherwise
 1008 required by state or federal law. (4) The provisions of this section with
 1009 respect to the prohibition of discrimination [on the basis of creed]
 1010 because of religion shall not apply to the practice of granting
 1011 preference in admission of residents into a nursing home as defined in
 1012 section 19a-490, if (A) the nursing home is owned, operated by or
 1013 affiliated with a religious organization [,] exempt from taxation for
 1014 federal income tax purposes, and (B) the class of persons granted
 1015 preference in admission is consistent with the religious mission of the
 1016 nursing home. (5) The provisions of this section with respect to the
 1017 prohibition of discrimination [on the basis] because of lawful source of
 1018 income shall not prohibit the denial of full and equal accommodations
 1019 solely on the basis of insufficient income.

1020 (c) Any person who violates any provision of this section shall be
 1021 guilty of a class D misdemeanor.

1022 Sec. 15. Section 46a-64c of the general statutes is repealed and the
 1023 following is substituted in lieu thereof (*Effective July 1, 2013*):

1024 (a) It shall be a discriminatory practice in violation of this section:

1025 (1) To refuse to sell or rent after the making of a bona fide offer, or
 1026 to refuse to negotiate for the sale or rental of, or otherwise make
 1027 unavailable or deny, a dwelling to any person because of race, [creed,
 1028 color, national origin, ancestry, sex, gender identity or expression,
 1029 marital status, age] color, religion, age, sex, gender identity or
 1030 expression, sexual orientation, marital status, national origin, ancestry,

1031 mental disability, intellectual disability, learning disability, physical
1032 disability, lawful source of income or familial status.

1033 (2) To discriminate against any person in the terms, conditions [,] or
1034 privileges of sale or rental of a dwelling, or in the provision of services
1035 or facilities in connection therewith, because of race, [creed, color,
1036 national origin, ancestry, sex, gender identity or expression, marital
1037 status, age] color, religion, age, sex, gender identity or expression,
1038 sexual orientation, marital status, national origin, ancestry, mental
1039 disability, intellectual disability, learning disability, physical disability,
1040 lawful source of income or familial status.

1041 (3) To make, print or publish, or cause to be made, printed or
1042 published any notice, statement [,] or advertisement, with respect to
1043 the sale or rental of a dwelling, that indicates any preference,
1044 limitation, or discrimination based on race, [creed, color, national
1045 origin, ancestry, sex, gender identity or expression, marital status, age,
1046 lawful source of income, familial status, learning disability or physical
1047 or mental disability] color, religion, age, sex, gender identity or
1048 expression, sexual orientation, marital status, national origin, ancestry,
1049 mental disability, intellectual disability, learning disability, physical
1050 disability, lawful source of income or familial status, or [an] any
1051 intention to make any such preference, limitation or discrimination.

1052 (4) (A) To represent to any person because of race, [creed, color,
1053 national origin, ancestry, sex, gender identity or expression, marital
1054 status, age, lawful source of income, familial status, learning disability
1055 or physical or mental disability] color, religion, age, sex, gender
1056 identity or expression, sexual orientation, marital status, national
1057 origin, ancestry, mental disability, intellectual disability, learning
1058 disability, physical disability, lawful source of income or familial status
1059 that any dwelling is not available for inspection, sale or rental when
1060 such dwelling is in fact so available.

1061 (B) It shall be a violation of this subdivision for any person to
1062 restrict or attempt to restrict the choices of any buyer or renter to

1063 purchase or rent a dwelling (i) to an area which is substantially
1064 populated, even if less than a majority, by persons of the same
1065 protected class as the buyer or renter, (ii) while such person is
1066 authorized to offer for sale or rent another dwelling which meets the
1067 housing criteria as expressed by the buyer or renter to such person,
1068 and (iii) such other dwelling is in an area which is not substantially
1069 populated by persons of the same protected class as the buyer or
1070 renter. As used in this subdivision, "area" means municipality,
1071 neighborhood or other geographic subdivision which may include an
1072 apartment or condominium complex; and "protected class" means race,
1073 [creed, color, national origin, ancestry, sex, gender identity or
1074 expression, marital status, age, lawful source of income, familial status,
1075 learning disability or physical or mental disability] color, religion, age,
1076 sex, gender identity or expression, sexual orientation, marital status,
1077 national origin, ancestry, mental disability, intellectual disability,
1078 learning disability, physical disability, lawful source of income or
1079 familial status.

1080 (5) For profit, to induce or attempt to induce any person to sell or
1081 rent any dwelling by representations regarding the entry or
1082 prospective entry into the neighborhood of a person or persons of a
1083 particular race, [creed, color, national origin, ancestry, sex, gender
1084 identity or expression, marital status, age, lawful source of income,
1085 familial status, learning disability or physical or mental disability]
1086 color, religion, age, sex, gender identity or expression, sexual
1087 orientation, marital status, national origin, ancestry, mental disability,
1088 intellectual disability, learning disability, physical disability, lawful
1089 source of income or familial status.

1090 (6) (A) To discriminate in the sale or rental, or to otherwise make
1091 unavailable or deny, a dwelling to any buyer or renter because of a
1092 learning disability, intellectual disability or physical or mental
1093 disability of: (i) Such buyer or renter; (ii) a person residing in or
1094 intending to reside in such dwelling after it is so sold, rented, or made
1095 available; or (iii) any person associated with such buyer or renter.

1096 (B) To discriminate against any person in the terms, conditions or
1097 privileges of sale or rental of a dwelling, or in the provision of services
1098 or facilities in connection with such dwelling, because of a learning
1099 disability, intellectual disability or physical or mental disability of: (i)
1100 Such person; or (ii) a person residing in or intending to reside in such
1101 dwelling after it is so sold, rented, or made available; or (iii) any
1102 person associated with such person.

1103 (C) For purposes of this subdivision, discrimination includes: (i) A
1104 refusal to permit, at the expense of a person with a learning disability,
1105 intellectual disability or physical or mental disability, reasonable
1106 modifications of existing premises occupied or to be occupied by such
1107 person if such modifications may be necessary to afford such person
1108 full enjoyment of the premises; except that, in the case of a rental, the
1109 landlord may, where it is reasonable to do so, condition permission for
1110 a modification on the renter agreeing to restore the interior of the
1111 premises to the condition that existed before the modification,
1112 reasonable wear and tear excepted; (ii) a refusal to make reasonable
1113 accommodations in rules, policies, practices or services, when such
1114 accommodations may be necessary to afford such person equal
1115 opportunity to use and enjoy a dwelling; (iii) in connection with the
1116 design and construction of covered multifamily dwellings for the first
1117 occupancy after March 13, 1991, a failure to design and construct those
1118 dwellings in such manner that they comply with the requirements of
1119 Section 804(f) of the Fair Housing Act or the provisions of the state
1120 building code as adopted pursuant to the provisions of sections 29-269
1121 and 29-273, whichever requires greater accommodation. ["Covered
1122 multifamily dwellings" means buildings consisting of four or more
1123 units if such buildings have one or more elevators, and ground floor
1124 units in other buildings consisting of four or more units.]

1125 (7) For any person or other entity engaging in residential real-estate-
1126 related transactions to discriminate against any person in making
1127 available such a transaction, or in the terms or conditions of such a
1128 transaction, because of race, [creed, color, national origin, ancestry, sex,

1129 gender identity or expression, marital status, age, lawful source of
1130 income, familial status, learning disability or physical or mental
1131 disability] color, religion, age, sex, gender identity or expression,
1132 sexual orientation, marital status, national origin, ancestry, mental
1133 disability, intellectual disability, learning disability, physical disability,
1134 lawful source of income or familial status.

1135 (8) To deny any person access to or membership or participation in
1136 any multiple-listing service, real estate brokers' organization or other
1137 service, organization [.] or facility relating to the business of selling or
1138 renting dwellings, or to discriminate against [him] such person in the
1139 terms or conditions of such access, membership or participation, [on
1140 account] because of race, [creed, color, national origin, ancestry, sex,
1141 gender identity or expression, marital status, age, lawful source of
1142 income, familial status, learning disability or physical or mental
1143 disability] color, religion, age, sex, gender identity or expression,
1144 sexual orientation, marital status, national origin, ancestry, mental
1145 disability, intellectual disability, learning disability, physical disability,
1146 lawful source of income or familial status.

1147 (9) To coerce, intimidate, threaten [.] or interfere with any person in
1148 the exercise or enjoyment of, or on account of [his] such person having
1149 exercised or enjoyed, or on account of [his] such person having aided
1150 or encouraged any other person in the exercise or enjoyment of, any
1151 right granted or protected by this section.

1152 (b) (1) The provisions of this section shall not apply to (A) the rental
1153 of a room or rooms in a single-family dwelling unit, if the owner
1154 actually maintains and occupies part of such living quarters as [his]
1155 such owner's residence, or (B) a unit in a dwelling containing living
1156 quarters occupied or intended to be occupied by no more than two
1157 families living independently of each other, if the owner actually
1158 maintains and occupies the other such living quarters as [his] such
1159 owner's residence. (2) The provisions of this section with respect to the
1160 prohibition of discrimination [on the basis] because of marital status
1161 shall not be construed to prohibit the denial of a dwelling to a man or a

1162 woman who are both unrelated by blood and not married to each
1163 other. (3) The provisions of this section with respect to the prohibition
1164 of discrimination [on the basis] because of age shall not apply to
1165 minors, to special discount or other public or private programs to
1166 assist persons sixty years of age and older or to housing for older
1167 persons, [as defined in section 46a-64b,] provided there is no
1168 discrimination [on the basis] because of age among older persons
1169 eligible for such housing. (4) The provisions of this section with respect
1170 to the prohibition of discrimination [on the basis] because of familial
1171 status shall not apply to housing for older persons [as defined in
1172 section 46a-64b] or to a unit in a dwelling containing units for no more
1173 than four families living independently of each other, if the owner of
1174 such dwelling resides in one of the units. (5) The provisions of this
1175 section with respect to the prohibition of discrimination [on the basis]
1176 because of lawful source of income shall not prohibit the denial of full
1177 and equal accommodations solely on the basis of insufficient income.
1178 (6) The provisions of this section with respect to the prohibition of
1179 discrimination [on the basis] because of sex shall not apply to the
1180 rental of sleeping accommodations to the extent they utilize shared
1181 bathroom facilities when such sleeping accommodations are provided
1182 by associations and organizations which rent such sleeping
1183 accommodations on a temporary or permanent basis for the exclusive
1184 use of persons of the same sex based on considerations of privacy and
1185 modesty.

1186 (c) Nothing in this section limits the applicability of any reasonable
1187 state statute or municipal ordinance restricting the maximum number
1188 of persons permitted to occupy a dwelling.

1189 (d) Nothing in this section [or section 46a-64b] shall be construed to
1190 invalidate or limit any state statute or municipal ordinance that
1191 requires dwellings to be designed and constructed in a manner that
1192 affords persons with physical or mental disabilities greater access than
1193 is required by this section. [or section 46a-64b.]

1194 (e) Nothing in this section prohibits a person engaged in the

1195 business of furnishing appraisals of real property [to take] from taking
1196 into consideration factors other than race, [creed, color, national origin,
1197 ancestry, sex, gender identity or expression, marital status, age, lawful
1198 source of income, familial status, learning disability or physical or
1199 mental disability] color, religion, age, sex, gender identity or
1200 expression, sexual orientation, marital status, national origin, ancestry,
1201 mental disability, intellectual disability, learning disability, physical
1202 disability, lawful source of income or familial status.

1203 (f) Notwithstanding any other provision of this chapter, complaints
1204 alleging a violation of this section shall be investigated within one
1205 hundred days of filing and a final administrative disposition shall be
1206 made within one year of filing unless it is impracticable to do so. If the
1207 [Commission on Human Rights and Opportunities] commission is
1208 unable to complete its investigation or make a final administrative
1209 determination within such time frames, it shall notify the complainant
1210 and the respondent in writing of the reasons for not doing so.

1211 (g) Any person who violates any provision of this section shall be
1212 guilty of a class D misdemeanor.

1213 Sec. 16. Subsection (a) of section 46a-66 of the general statutes is
1214 repealed and the following is substituted in lieu thereof (*Effective July*
1215 *1, 2013*):

1216 (a) It shall be a discriminatory practice in violation of this section for
1217 any creditor to discriminate [on the basis] because of [sex, gender
1218 identity or expression, age,] race, color, [religious creed] religion, age,
1219 sex, gender identity or expression, sexual orientation, marital status,
1220 national origin, ancestry, [marital status,] intellectual disability,
1221 learning disability [, blindness] or physical disability against any
1222 person eighteen years of age or over in any credit transaction.

1223 Sec. 17. Section 46a-67 of the general statutes is repealed and the
1224 following is substituted in lieu thereof (*Effective July 1, 2013*):

1225 (a) The Banking Commissioner shall cooperate with the commission

1226 in its enforcement of sections [46a-65] 46a-66 to 46a-67, inclusive, as
1227 amended by this act, [46a-81f] and 46a-98, as amended by this act.

1228 (b) The Banking Commissioner shall comply with the commission's
1229 request for information, reasonable investigatory assistance and the
1230 promulgation of regulations which may be required for the effective
1231 administration of sections [46a-65] 46a-66 to 46a-67, inclusive, as
1232 amended by this act, [46a-81f] and 46a-98, as amended by this act.

1233 Sec. 18. Section 46a-68a of the general statutes is repealed and the
1234 following is substituted in lieu thereof (*Effective July 1, 2013*):

1235 (a) The [commission] board of commissioners may issue a certificate
1236 of noncompliance if the affirmative action plan required by section
1237 46a-68, as amended by this act, is disapproved.

1238 (b) The issuance of a certificate of noncompliance shall bar the
1239 agency, department, board or commission in noncompliance with
1240 section 46a-68, as amended by this act, from filling a position or
1241 position classification by hire or promotion upon receipt of the
1242 certificate, the provisions of any state law or regulation to the contrary
1243 notwithstanding, until: (1) The commission and board of
1244 commissioners determines that the agency has achieved compliance
1245 with section 46a-68, as amended by this act, and withdraws the
1246 certificate; [or] (2) the commission, at a hearing requested by the
1247 agency, department, board or commission receiving the certificate and
1248 conducted by a presiding officer appointed by the [chairperson of the
1249 commission] chief referee, is unable to show cause why the certificate
1250 of noncompliance should not be rescinded or a court, upon appeal, so
1251 determines; or (3) the Commissioner of Administrative Services and
1252 the Secretary of the Office of Policy and Management certify to the
1253 commission and the board of commissioners that the agency in
1254 noncompliance with section 46a-68, as amended by this act, requires
1255 immediate filling of the vacancy because failure to fill the position or
1256 position classification will cause an emergency situation to exist
1257 jeopardizing the public welfare. A separate certificate of exemption

1258 shall be required for each vacancy in a position or position
1259 classification with respect to which the Commissioner of
1260 Administrative Services and the Secretary of the Office of Policy and
1261 Management certify that an emergency situation exists.

1262 (c) Hearings under this section shall be conducted in accordance
1263 with sections 4-176e to 4-182, inclusive.

1264 (d) The commission shall adopt regulations in accordance with
1265 chapter 54 to implement this section.

1266 Sec. 19. Subsection (a) of section 46a-70 of the general statutes is
1267 repealed and the following is substituted in lieu thereof (*Effective July*
1268 *1, 2013*):

1269 (a) State officials and supervisory personnel shall recruit, appoint,
1270 assign, train, evaluate and promote state personnel on the basis of
1271 merit and qualifications, without regard for race, color, [religious
1272 creed, sex, gender identity or expression, marital status, age, national
1273 origin, ancestry, intellectual disability, mental disability, learning
1274 disability or physical disability, including but not limited to, blindness]
1275 religion, age, sex, gender identity or expression, sexual orientation,
1276 marital status, national origin, ancestry, mental disability, intellectual
1277 disability, learning disability or physical disability, unless it is shown
1278 by such state officials or supervisory personnel that such disability
1279 prevents performance of the work involved.

1280 Sec. 20. Section 46a-70a of the general statutes is repealed and the
1281 following is substituted in lieu thereof (*Effective July 1, 2013*):

1282 (a) The Judicial Branch shall develop and implement an equal
1283 employment opportunities plan pursuant to federal law that commits
1284 the Judicial Branch to a program of equal employment opportunities in
1285 all aspects of personnel and administration. The Chief Court
1286 Administrator shall be responsible for developing, implementing and
1287 filing the plan with the [Commission on Human Rights and
1288 Opportunities] commission.

1289 (b) The Judicial Branch shall comply with the provisions of
 1290 subsection (b) of section 46a-68, section 46a-68g, subsections (a), (b)
 1291 and (c) of section 46a-70, as amended by this act, subsections (a), (b)
 1292 and (d) of section 46a-71, as amended by this act, and subsections (a)
 1293 and (c) of section 46a-77, as amended by this act. [, subsections (a), (b)
 1294 and (c) of section 46a-81h and section 46a-81i.]

1295 (c) The Criminal Justice Commission shall comply with the
 1296 provisions of subsections (a) and (b) of section 46a-68, sections 46a-68g,
 1297 46a-70, as amended by this act, and 46a-71, as amended by this act, and
 1298 subsections (a) and (c) of section 46a-77, as amended by this act. [and
 1299 sections 46a-81h and 46a-81i.]

1300 Sec. 21. Subsection (a) of section 46a-71 of the general statutes is
 1301 repealed and the following is substituted in lieu thereof (*Effective July*
 1302 *1, 2013*):

1303 (a) All services of every state agency shall be performed without
 1304 discrimination based upon race, color, [religious creed, sex, gender
 1305 identity or expression, marital status, age, national origin, ancestry,
 1306 intellectual disability, mental disability, learning disability or physical
 1307 disability, including, but not limited to, blindness] religion, age, sex,
 1308 gender identity or expression, sexual orientation, marital status,
 1309 national origin, ancestry, mental disability, intellectual disability,
 1310 learning disability or physical disability.

1311 Sec. 22. Subsection (b) of section 46a-72 of the general statutes is
 1312 repealed and the following is substituted in lieu thereof (*Effective July*
 1313 *1, 2013*):

1314 (b) Any job request indicating an intention to exclude any person
 1315 because of race, color, [religious creed, sex, gender identity or
 1316 expression, marital status, age, national origin, ancestry, intellectual
 1317 disability, mental disability, learning disability or physical disability,
 1318 including, but not limited to, blindness] religion, age, sex, gender
 1319 identity or expression, sexual orientation, marital status, national

1320 origin, ancestry, mental disability, intellectual disability, learning
1321 disability or physical disability shall be rejected, unless it is shown by
1322 such public or private [employers] employer that such disability
1323 prevents performance of the work involved.

1324 Sec. 23. Subsection (a) of section 46a-73 of the general statutes is
1325 repealed and the following is substituted in lieu thereof (*Effective July*
1326 *1, 2013*):

1327 (a) No state department, board or agency may grant, deny or revoke
1328 the license or charter of any person [on the grounds] because of race,
1329 color, [religious creed, sex, gender identity or expression, marital
1330 status, age, national origin, ancestry, intellectual disability, mental
1331 disability, learning disability or physical disability, including, but not
1332 limited to, blindness] religion, age, sex, gender identity or expression,
1333 sexual orientation, marital status, national origin, ancestry, mental
1334 disability, intellectual disability, learning disability or physical
1335 disability, unless it is shown by such state department, board or
1336 agency that such disability prevents performance of the work
1337 involved.

1338 Sec. 24. Subsection (a) of section 46a-75 of the general statutes is
1339 repealed and the following is substituted in lieu thereof (*Effective July*
1340 *1, 2013*):

1341 (a) All educational, counseling [,] and vocational guidance
1342 programs, and all apprenticeship and on-the-job training programs of
1343 state agencies [,] or in which state agencies participate, shall be open to
1344 all qualified persons, without regard to race, color, [religious creed,
1345 sex, gender identity or expression, marital status, age, national origin,
1346 ancestry, intellectual disability, mental disability, learning disability or
1347 physical disability, including, but not limited to, blindness] religion,
1348 age, sex, gender identity or expression, sexual orientation, marital
1349 status, national origin, ancestry, mental disability, intellectual
1350 disability, learning disability or physical disability.

1351 Sec. 25. Subsection (a) of section 46a-76 of the general statutes is
1352 repealed and the following is substituted in lieu thereof (*Effective July*
1353 *1, 2013*):

1354 (a) Race, color, [religious creed, sex, gender identity or expression,
1355 marital status, age, national origin, ancestry, intellectual disability,
1356 mental disability, learning disability or physical disability, including,
1357 but not limited to, blindness] religion, age, sex, gender identity or
1358 expression, sexual orientation, marital status, national origin, ancestry,
1359 mental disability, intellectual disability, learning disability or physical
1360 disability shall not be considered as limiting factors in state-
1361 administered programs involving the distribution of funds to qualify
1362 applicants for benefits authorized by law.

1363 Sec. 26. Subsection (c) of section 46a-77 of the general statutes is
1364 repealed and the following is substituted in lieu thereof (*Effective July*
1365 *1, 2013*):

1366 (c) Each state agency shall comply [in all of its services, programs
1367 and activities] with [the provisions of] the Americans with Disabilities
1368 Act [(42 USC 12101)] to the [same] extent that it provides rights and
1369 protections for persons with physical or mental disabilities beyond
1370 those provided for by the laws of this state.

1371 Sec. 27. Section 46a-81p of the general statutes is repealed and the
1372 following is substituted in lieu thereof (*Effective July 1, 2013*):

1373 The provisions of [sections 4a-60a] section 4a-60, as amended by this
1374 act, and [46a-81a to 46a-81o, inclusive,] this chapter concerning the
1375 prohibition of discrimination because of sexual orientation shall not
1376 apply to a religious corporation, entity, association, educational
1377 institution or society with respect to the employment of individuals to
1378 perform work connected with the carrying on by such corporation,
1379 entity, association, educational institution or society of its activities, or
1380 with respect to matters of discipline, faith, internal organization or
1381 ecclesiastical rule, custom or law which are established by such

1382 corporation, entity, association, educational institution or society.

1383 Sec. 28. Section 46a-81q of the general statutes is repealed and the
1384 following is substituted in lieu thereof (*Effective July 1, 2013*):

1385 The provisions of [sections 4a-60a] section 4a-60, as amended by this
1386 act, and [46a-81a to 46a-81o, inclusive,] this chapter concerning the
1387 prohibition of discrimination because of sexual orientation shall not
1388 apply to the conduct and administration of a ROTC program
1389 established and maintained pursuant to 10 USC Sections 2101 to 2111,
1390 inclusive, as amended from time to time, and the regulations
1391 thereunder, at an institution of higher education. For purposes of this
1392 section, "ROTC" means the Reserve Officers' Training Corps.

1393 Sec. 29. Section 46a-82 of the general statutes is repealed and the
1394 following is substituted in lieu thereof (*Effective July 1, 2013*):

1395 (a) Any person claiming to be aggrieved by an alleged
1396 discriminatory practice [, except for an alleged violation of section 4a-
1397 60g or 46a-68 or the provisions of sections 46a-68c to 46a-68f, inclusive,
1398 may, by himself or herself or by such person's attorney, make, sign
1399 and] may file with the commission a complaint in writing under oath,
1400 [which] except that a complaint alleging a violation of section 46a-64c,
1401 as amended by this act, need not be filed under oath. The complaint
1402 shall state the name and address of the person alleged to have
1403 committed the discriminatory practice, [and which shall set forth the
1404 particulars thereof] any act alleged to be a discriminatory practice and
1405 [contain] such other information as may be required by the
1406 commission. After the filing of a complaint, [pursuant to this
1407 subsection,] the commission shall [serve upon the person claiming to
1408 be aggrieved] provide the complainant with a notice that: (1)
1409 Acknowledges receipt of the complaint; and (2) advises of the time
1410 frames and choice of forums available under this chapter.

1411 (b) The commission legal counsel, whenever [it] the commission
1412 legal counsel has reason to believe that any person has been engaged

1413 or is engaged in a discriminatory practice, may issue a complaint,
1414 except for a violation of subsection (a) of section 46a-80.

1415 (c) The commission legal counsel, whenever [it] the commission
1416 legal counsel has reason to believe that any contractor or subcontractor
1417 is not complying with antidiscrimination statutes or contract
1418 provisions required under section 4a-60, as amended by this act, [4a-
1419 60a or] 4a-60g, as amended by this act, or [the provisions of] sections
1420 46a-68c to 46a-68f, inclusive, may issue a complaint.

1421 (d) The commission legal counsel may issue a complaint if: (1) An
1422 affirmative action plan filed pursuant to section 46a-68, as amended by
1423 this act, is in violation of any of the provisions of section 4-61u or 4-
1424 61w, sections 46a-54 to 46a-64, inclusive, as amended by this act,
1425 section 46a-64c, as amended by this act, or sections 46a-70 to 46a-78,
1426 inclusive, as amended by this act; or (2) an agency, department, board
1427 or commission fails to submit an affirmative action plan required
1428 under section 46a-68, as amended by this act.

1429 (e) Any employer whose employees, or any of them, refuse or
1430 threaten to refuse to comply with [the provisions of] section 46a-60, as
1431 amended by this act, [or 46a-81c] may file with the commission a
1432 written complaint under oath asking for assistance by conciliation or
1433 other remedial action.

1434 (f) Any complaint filed pursuant to this section must be filed within
1435 one hundred and eighty days after the alleged act of discrimination. [,
1436 except that any complaint by a person claiming to be aggrieved by a
1437 violation of subsection (a) of section 46a-80 must be filed within thirty
1438 days of the alleged act of discrimination.]

1439 Sec. 30. Section 46a-82e of the general statutes is repealed and the
1440 following is substituted in lieu thereof (*Effective July 1, 2013*):

1441 (a) Notwithstanding the failure of the [Commission on Human
1442 Rights and Opportunities] commission to comply with the time
1443 requirements of sections 46a-83, as amended by this act, and 46a-84, as

1444 amended by this act, [with respect to a complaint before the
1445 commission,] the jurisdiction of the commission over any [such]
1446 complaint shall be retained.

1447 (b) The commission shall report annually to the judiciary committee
1448 of the General Assembly and the Governor: (1) The number of cases in
1449 the previous fiscal year that exceeded the time frame, including
1450 authorized extensions, set forth in subsection (e) of section 46a-83, as
1451 amended by this act; (2) the reasons for the failure to comply with the
1452 time frame; (3) the number of actions brought pursuant to subsection
1453 (d) of this section and the results thereof; and (4) the commission's
1454 recommendations for legislative action, if any, necessary for the
1455 commission to meet the statutory time frame.

1456 (c) If a complaint has been pending for more than twenty-one
1457 months from the date of filing and the commission has not issued a
1458 finding of reasonable cause or no reasonable cause, the executive
1459 director shall notify the complainant by first class mail, facsimile
1460 machine, electronic mail or a file transfer protocol site that the
1461 complainant has the right to request a release of jurisdiction in
1462 accordance with section 46a-101, as amended by this act. The executive
1463 director or the executive director's designee shall investigate the cause
1464 for the delay in issuing a finding. After such investigation, the
1465 executive director may, given the facts and circumstances of the case,
1466 schedule a date [certain] for issuance of a finding. [of reasonable cause
1467 or no reasonable cause.]

1468 (d) (1) If a complaint has been pending for more than two years after
1469 the date of filing pursuant to section 46a-82, as amended by this act,
1470 and if the investigator fails to issue a finding of reasonable cause or no
1471 reasonable cause by the date ordered by the executive director [of the
1472 commission] pursuant to subsection (c) of this section, the complainant
1473 or respondent may petition the superior court for the judicial district of
1474 Hartford for an order requiring the commission to issue a finding [of
1475 reasonable cause or no reasonable cause] by a specified date. [certain.]
1476 The petitioner shall submit the petition on forms prescribed by the

1477 Office of the Chief Court Administrator.

1478 (2) The clerk, upon receipt of the petition and if the clerk finds it to
1479 be in the proper form, shall fix a date for the hearing and sign the
1480 notice of hearing. The hearing date shall be no more than thirty days
1481 after the clerk signs the notice. Service shall be made on the
1482 commission and all persons named in the discriminatory practice
1483 complaint at least twenty days prior to the date of hearing by United
1484 States mail, certified or registered, postage prepaid, return receipt
1485 requested, without the use of a state marshal or other officer. Service
1486 on the commission shall be made on the executive director, [of the
1487 commission or a commission legal counsel.] Within five days of
1488 service, the petitioner shall file with the court an affidavit stating the
1489 date and manner in which a copy of the petition was served and attach
1490 to the affidavit the return receipts indicating delivery of the petition. If
1491 the return receipts are not available at the time the petitioner files such
1492 affidavit, such receipts shall be filed with the court immediately after
1493 the petitioner receives such receipts.

1494 (3) Within ten days after receipt of the petition, any party, including
1495 the commission, may file an answer. The commission and all persons
1496 named in the [discriminatory practice complaint] petition shall have
1497 the right to appear and be heard at the hearing.

1498 (4) If the commission and parties agree on a date, [certain,] the court
1499 shall order the commission to issue a finding of reasonable cause or no
1500 reasonable cause by said date. If the allegations of the petition are
1501 contested, the court shall hold a hearing [on the petition] and issue an
1502 appropriate order. [Hearing of oral argument on the petition] Hearings
1503 held pursuant to this subdivision shall take precedence over other
1504 matters in the court, as provided in section 46a-96. The court [shall]
1505 may award court costs and attorney's fees to the petitioner, provided
1506 [such party] the petitioner is a "person", as defined in section 4-184a,
1507 unless the commission shows good cause for not issuing the finding of
1508 reasonable cause or no reasonable cause [within two years of the date
1509 of filing or] by the date ordered by the executive director for the

investigator to issue such finding. [, whichever is later.] An award of court costs and attorney's fees shall be subject to the court's discretion, but shall not exceed a total of five hundred dollars.

(5) This subsection shall not apply to complaints initiated by the commission or to pattern or practice or systemic cases.

Sec. 31. Section 46a-83 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) Within twenty days after the filing of any discriminatory practice complaint pursuant to subsection (a) or (b) of section 46a-82, as amended by this act, or an amendment to such complaint adding an additional respondent, the commission shall provide the respondent by first class mail, facsimile machine, electronic mail or a file transfer protocol site with the complaint and a notice advising of the procedural rights and obligations of a respondent under this chapter. The respondent shall file a written answer to the complaint, and a response to the commission's request for information, if any, under oath with the commission within thirty days of receipt of the complaint, provided a respondent may request, and the commission may grant, [for good cause shown,] one extension of time of fifteen days within which to file an answer to a complaint. The answer to any complaint alleging a violation of section 46a-64c, as amended by this act, [or 46a-81e] shall be filed within ten days of receipt. Unless otherwise proven by the respondent, a complaint sent by first class mail shall be deemed to be received two business days after the date of mailing. Amendments to complaints shall be treated in the same manner as complaints under this subsection.

(b) Within ninety days of the filing of the respondent's answer to the complaint, the executive director or the executive director's designee shall conduct a merit assessment review. The merit assessment review shall include the complaint, the respondent's answer and the responses to the commission's requests for information, if any, and the complainant's comments, if any, to the respondent's answer and

1542 information responses. If the executive director or the executive
1543 director's designee determines that the complaint fails to state a claim
1544 for relief or is frivolous on its face, that the respondent is exempt from
1545 the provisions of this chapter or that there is no reasonable possibility
1546 that investigating the complaint will result in a finding of reasonable
1547 cause, the executive director or the executive director's designee shall
1548 dismiss the complaint and send notice of dismissal pursuant to section
1549 46a-86a, as amended by this act. Within fifteen days of the sending of
1550 the notice of dismissal, the complainant may request a release of
1551 jurisdiction allowing the complainant to bring a civil action under
1552 section 46a-100, as amended by this act. If the complainant does not
1553 request a release of jurisdiction, commission legal counsel shall
1554 conduct a legal review of any complaint dismissed pursuant to this
1555 subsection and shall reinstate or deny reinstatement of the complaint
1556 within sixty days of the sending of the notice of dismissal. The
1557 executive director or the executive director's designee shall send notice
1558 of any action taken pursuant to the merit assessment review and the
1559 legal review conducted pursuant to this subsection in accordance with
1560 section 46a-86a, as amended by this act. This subsection shall not apply
1561 to any complaint alleging a violation of section 46a-64c, as amended by
1562 this act. [or 46a-81e.] The executive director shall report the results of
1563 the merit assessment reviews made pursuant to this subsection to the
1564 commission quarterly during each year.

1565 (c) (1) If a complaint is not dismissed after the merit assessment
1566 review pursuant to subsection (b) of this section or if a complaint is
1567 reinstated after legal review pursuant to said subsection (b), the
1568 executive director or the executive director's designee shall assign an
1569 investigator or commission legal counsel to hold a mandatory
1570 mediation conference within sixty days of sending notice of action
1571 taken pursuant to the merit assessment review or legal review. [The
1572 mandatory mediation conference may be scheduled for the same time
1573 as a fact-finding conference held pursuant to subsection (d) of this
1574 section.] The mediator may hold additional mediation conferences to
1575 accommodate settlement discussions.

1576 (2) If the complaint is not resolved after the mandatory mediation
1577 conference, the complainant, the respondent or the commission may,
1578 at any time after such conference, request early legal intervention. If a
1579 request for early legal intervention is made, the executive director or
1580 the executive director's designee shall determine within ninety days of
1581 the request whether [(A)] the complaint should be (A) heard pursuant
1582 to section 46a-84, as amended by this act, (B) [the complaint should be
1583 processed] investigated pursuant to subsection (d) of this section, [or
1584 (C) the complainant should be] (C) administratively dismissed, or (D)
1585 released from the jurisdiction of the commission. In making such
1586 determination, the executive director or the executive director's
1587 designee may hold additional proceedings and may utilize and direct
1588 commission staff. If the executive director or the executive director's
1589 designee determines that the complaint should be processed pursuant
1590 to subsection (d) of this section, the executive director or the executive
1591 director's designee may recommend that the investigator make a
1592 finding of no reasonable cause. If the executive director or the
1593 executive director's designee recommends that the investigator make a
1594 finding of no reasonable cause, the investigator shall make such a
1595 finding unless the investigator believes the executive director or the
1596 executive director's designee made a mistake of fact. If the investigator
1597 intends to make a finding of reasonable cause after the executive
1598 director or the executive director's designee recommends otherwise,
1599 the investigator shall consult with the executive director or the
1600 executive director's designee.

1601 (3) If the complaint is not resolved after the mandatory mediation
1602 conference, the complainant or the respondent may request the
1603 commission to hold additional mediation conferences.

1604 (4) The commission may dismiss the complaint if (A) a complainant,
1605 after notice and without good cause, fails to attend a mandatory
1606 mediation conference; or (B) the respondent has eliminated the
1607 discriminatory practice complained of, taken steps to prevent a like
1608 occurrence in the future and offered full relief to the complainant, even

1609 though the complainant has refused such relief.

1610 (d) If the complaint is not resolved after the mandatory mediation
1611 conference held pursuant to subsection (c) of this section or the
1612 executive director determines that the complaint should be processed
1613 pursuant to this subsection in accordance with subdivision (2) of
1614 subsection (c) of this section, the executive director or the executive
1615 director's designee shall assign an investigator to process the
1616 complaint within fifteen days after [the mandatory] mediation
1617 [conference] failed or the early legal intervention decision was made,
1618 as applicable. The investigator may conduct a fact-finding conference,
1619 a complete investigation, including, but not limited to, individual
1620 witness interviews, requests for voluntary disclosure of information,
1621 subpoenas of witnesses or documents, requests for admission of facts,
1622 interrogatories, site visits or any other lawful means of finding facts, or
1623 any combination thereof for the purpose of determining if there is
1624 reasonable cause for believing that a discriminatory practice has been
1625 or is being committed as alleged in the complaint. [As used in this
1626 section and section 46a-84, "reasonable cause" means a bona fide belief
1627 that the material issues of fact are such that a person of ordinary
1628 caution, prudence and judgment could believe the facts alleged in the
1629 complaint.] The executive director or the executive director's designee
1630 may dismiss the complaint if the complainant, after notice [,] and
1631 without good cause, fails to attend a fact-finding conference.

1632 (e) (1) Before issuing a finding of reasonable cause or no reasonable
1633 cause, the investigator shall afford each party and each party's
1634 representative an opportunity to provide written or oral comments on
1635 all evidence in the commission's file, except as otherwise provided by
1636 federal law or the general statutes. The investigator shall consider such
1637 comments before making a finding. The investigator shall make a
1638 finding of reasonable cause or no reasonable cause in writing and shall
1639 list the factual findings on which it is based not later than one hundred
1640 ninety days from the date of the merit assessment review, except that
1641 for good cause shown, the executive director or the executive director's

1642 designee may grant no more than two extensions of the investigation
1643 of three months each.

1644 (2) If the investigator makes a finding that there is reasonable cause
1645 to believe that a violation of section 46a-64c, as amended by this act,
1646 has occurred, the complainant and the respondent shall have twenty
1647 days from sending of the reasonable cause finding to elect a civil action
1648 in lieu of an administrative hearing pursuant to section 46a-84, as
1649 amended by this act. If either the complainant or the respondent
1650 requests a civil action, the commission, through the Attorney General
1651 or a commission legal counsel, shall commence an action pursuant to
1652 subsection (b) of section 46a-89, as amended by this act, within ninety
1653 days of receipt of the notice of election. If the Attorney General or a
1654 commission legal counsel believes that injunctive relief, punitive
1655 damages or a civil penalty would be appropriate, such relief, damages
1656 or penalty may also be sought. The jurisdiction of the Superior Court
1657 in an action brought under this subdivision shall be limited to such
1658 claims, counterclaims, defenses or the like that could be presented at
1659 an administrative hearing before the commission, had the complaint
1660 remained with the commission for disposition. A complainant may
1661 intervene as a matter of right in a civil action without permission of the
1662 court or the parties. If the Attorney General or commission legal
1663 counsel [, as the case may be,] determines that the interests of the state
1664 will not be adversely affected, the complainant or attorney for the
1665 complainant shall present all or part of the case in support of the
1666 complaint. If the Attorney General or a commission legal counsel
1667 determines that a material mistake of law or fact has been made in the
1668 finding of reasonable cause, the Attorney General or a commission
1669 legal counsel may decline to bring a civil action and shall remand the
1670 file to the investigator for further action. The investigator shall
1671 complete any such action not later than ninety days after receipt of
1672 such file.

1673 (f) If the investigator issues a finding of no reasonable cause or if the
1674 complaint is dismissed pursuant to subsection [(d)] (c) of this section,

1675 the complainant may file a written request for reconsideration with the
1676 executive director or the executive director's designee, not later than
1677 fifteen days from the sending of such finding or dismissal. A request
1678 for reconsideration shall state specifically the reasons why
1679 reconsideration should be granted. The executive director or the
1680 executive director's designee shall grant or reject reconsideration
1681 within ninety days of the sending of such finding or dismissal. The
1682 executive director or the executive director's designee shall conduct
1683 such additional proceedings as may be necessary to render a decision
1684 on the request.

1685 (g) After finding that there is reasonable cause to believe that a
1686 discriminatory practice has been or is being committed as alleged in
1687 the complaint, an investigator shall attempt to eliminate the practice
1688 complained of by conference, conciliation and persuasion within fifty
1689 days of the finding. The refusal to accept a settlement shall not be
1690 grounds for dismissal of any complaint.

1691 (h) No commissioner or employee of the commission may disclose,
1692 except to the parties or their representatives, what has occurred in the
1693 course of [such endeavors] the commission's processing of a complaint,
1694 provided the commission may publish the facts in the case and any
1695 complaint which has been dismissed and the terms of conciliation
1696 when a complaint has been adjusted. Each party and [his] such party's
1697 representative shall have the right to inspect and copy documents,
1698 statements of witnesses and other evidence pertaining to the
1699 complaint, except as otherwise provided by federal law or the general
1700 statutes.

1701 (i) In the investigation of any complaint filed pursuant to this
1702 chapter, the commission legal counsel may issue subpoenas requiring
1703 the production of records and other documents.

1704 (j) The executive director or the executive director's designee may
1705 enter an order of default against a respondent who (1) after notice, fails
1706 to answer a complaint in accordance with subsection (a) of this section

1707 or within such extension of time as may have been granted; (2) fails to
1708 answer interrogatories issued pursuant to subdivision (11) of section
1709 46a-54, as amended by this act, or fails to respond to a subpoena issued
1710 pursuant to subsection (i) of this section or subdivision (9) of section
1711 46a-54, as amended by this act, provided the executive director or the
1712 executive director's designee shall consider any timely filed objection;
1713 (3) after notice and without good cause, fails to attend a fact-finding
1714 conference; or (4) after notice and without good cause, fails to attend a
1715 mandatory mediation conference. Upon entry of an order of default,
1716 the executive director or the executive director's designee shall appoint
1717 a presiding officer to enter, after notice and hearing, an order
1718 eliminating the discriminatory practice complained of and making the
1719 complainant whole. The respondent may make an application to the
1720 executive director or the executive director's designee seeking relief
1721 from the default. The commission or the complainant may petition the
1722 Superior Court for enforcement of any order for relief pursuant to
1723 section 46a-95, as amended by this act.

1724 Sec. 32. Section 46a-84 of the general statutes is repealed and the
1725 following is substituted in lieu thereof (*Effective July 1, 2013*):

1726 (a) If the investigator fails to eliminate a discriminatory practice
1727 complained of pursuant to subsection (a) or (b) of section 46a-82, as
1728 amended by this act, within fifty days of a finding of reasonable cause,
1729 the investigator shall, within ten days, certify the complaint and the
1730 results of the investigation to the executive director of the commission
1731 and to the Attorney General. The investigator's conclusion that
1732 conciliation has failed shall be conclusive on the issue.

1733 (b) Upon certification of a complaint filed pursuant to subsection (a)
1734 or (b) of section 46a-82, as amended by this act, or upon the filing of a
1735 complaint pursuant to subsection (c) of said section, or upon an early
1736 legal intervention decision made pursuant to subdivision (2) of
1737 subsection (c) of section 46a-83, as amended by this act, the [Chief
1738 Human Rights Referee] chief referee shall appoint [, for a complaint
1739 filed pursuant to said subsection (a) or (b), a hearing officer, hearing

1740 adjudicator or human rights referee, and for a complaint filed pursuant
1741 to said subsection (c), a hearing officer or human rights referee,] a
1742 hearing officer or referee to act as a presiding officer to hear the
1743 complaint. [or] The chief referee may appoint an individual authorized
1744 by subsection (e) of this section to conduct settlement negotiations,
1745 [and shall cause to be issued and served] The chief referee shall serve
1746 in the name of the commission a [written notice, together with a] copy
1747 of the complaint, as the same may have been amended, requiring the
1748 respondent to answer the charges of the complaint [at a hearing before
1749 the presiding officer or hearing adjudicator at a time and place to be
1750 specified in the notice] with a written notice requiring the respondent
1751 to appear at a hearing or settlement conference at the commission's
1752 office, unless all parties mutually agree to an alternative location, at a
1753 date and time specified in such notice. A hearing on a complaint filed
1754 pursuant to subsection (a) or (b) of section 46a-82, as amended by this
1755 act, shall be commenced by convening a hearing conference not later
1756 than forty-five days after the certification of the complaint. Such
1757 hearing shall be a de novo hearing on the merits of the complaint and
1758 not an appeal of the commission's processing of the complaint prior to
1759 its certification. A hearing on a complaint filed pursuant to subsection
1760 (c) of section 46a-82, as amended by this act, shall be commenced by
1761 convening a hearing conference not later than twenty days after the
1762 date of notice of such complaint. Hearings shall proceed with
1763 reasonable dispatch and be concluded in accordance with the
1764 provisions of section 4-180.

1765 [(c) The place of any hearing may be the office of the commission or
1766 another place designated by the commission.]

1767 [(d)] (c) The case in support of the complaint shall be presented at
1768 the hearing by the Attorney General, who shall be counsel for the
1769 commission, or by a commission legal counsel as provided in section
1770 46a-55. [, as the case may be.] If the Attorney General or the
1771 commission legal counsel determines that a material mistake of law or
1772 fact has been made in the finding of reasonable cause on a complaint

1773 filed pursuant to subsection (a) or (b) of section 46a-82, as amended by
1774 this act, the Attorney General or the commission legal counsel may
1775 withdraw the certification of the complaint and remand the file to the
1776 investigator for further action. The investigator shall complete any
1777 required action not later than ninety days after receipt of such file. The
1778 complainant may be represented by an attorney of the complainant's
1779 own choice. If the Attorney General or the commission legal counsel [,
1780 as the case may be,] determines that the interests of the state will not
1781 be adversely affected, the complainant or the attorney for the
1782 complainant shall present all or part of the case in support of the
1783 complaint. No commissioner may participate in the deliberations of
1784 the presiding officer in the case.

1785 (e) A [hearing officer, hearing adjudicator, human rights] referee or
1786 attorney who volunteers service pursuant to subdivision (18) of section
1787 46a-54, as amended by this act, may supervise settlement endeavors. [,
1788 or, in] In employment discrimination cases only, the complainant and
1789 respondent, with the permission of the [commission] chief referee, may
1790 engage in alternate dispute resolution endeavors for not more than
1791 three months. The cost of such alternate dispute resolution endeavors
1792 shall be borne by the complainant or the respondent, or both, and not
1793 by the commission. Any endeavors or negotiations for conciliation,
1794 settlement or alternate dispute resolution shall not be received in
1795 evidence.

1796 (f) The respondent [may] shall file a written answer to the complaint
1797 under oath and appear at the hearing in person or otherwise, with or
1798 without counsel, and submit testimony and be fully heard. If the
1799 respondent fails to file a written answer prior to the hearing within the
1800 time limits established by regulation adopted by the commission in
1801 accordance with chapter 54 or fails to appear at the hearing or
1802 settlement conference after notice in accordance with section 4-177, the
1803 presiding officer or [hearing adjudicator] settlement officer may enter
1804 an order of default and order such relief as is necessary to eliminate
1805 the discriminatory practice and make the complainant whole. The

1806 commission or the complainant may petition the Superior Court for
1807 enforcement of any such order for relief pursuant to the provisions of
1808 section 46a-95, as amended by this act.

1809 (g) The presiding officer [or hearing adjudicator] conducting any
1810 hearing shall permit reasonable amendment to any complaint or
1811 answer and the testimony taken at the hearing shall be under oath and
1812 be transcribed at the request of any party.

1813 Sec. 33. Section 46a-86 of the general statutes is repealed and the
1814 following is substituted in lieu thereof (*Effective July 1, 2013*):

1815 (a) If, upon all the evidence presented at the hearing conducted
1816 pursuant to section 46a-84, as amended by this act, the presiding
1817 officer finds that a respondent has engaged in any discriminatory
1818 practice, the presiding officer shall [state the presiding officer's] make
1819 written findings of fact and [shall issue and] file with the commission
1820 and [cause to be served] serve on the respondent an order requiring
1821 the respondent to (1) cease and desist from the discriminatory practice,
1822 and [further requiring the respondent to] (2) take such affirmative
1823 action as [in the judgment of the presiding officer will effectuate] is
1824 necessary to achieve the purpose of this chapter and to make the
1825 complainant whole.

1826 (b) In addition to any other action taken under this section, upon a
1827 finding of a discriminatory employment practice, the presiding officer
1828 may order the hiring or reinstatement of [employees] any person, with
1829 or without back pay, or restoration to membership in any respondent
1830 labor organization. [, provided, liability] Liability for back pay shall
1831 not accrue from a date more than two years prior to the filing or
1832 issuance of the complaint. [and, provided further, interim] Interim
1833 earnings, including unemployment compensation and welfare
1834 assistance or amounts which could have been earned with reasonable
1835 diligence on the part of the person to whom back pay is awarded shall
1836 be deducted from the amount of back pay to which such person is
1837 otherwise entitled. The amount of any [such] deduction for interim

1838 unemployment compensation or welfare assistance shall be paid by
1839 the respondent to the commission which shall transfer such amount to
1840 the appropriate state or local agency.

1841 (c) In addition to any other action taken under this section, upon a
1842 finding of a discriminatory practice prohibited by section 46a-58, as
1843 amended by this act, 46a-59, as amended by this act, 46a-64, as
1844 amended by this act, or 46a-64c, as amended by this act, [46a-81b, 46a-
1845 81d or 46a-81e,] the presiding officer shall determine the damage
1846 suffered by the complainant, which damage shall include, but not be
1847 limited to, the expense incurred by the complainant for obtaining
1848 alternate housing or space, storage of goods and effects, moving costs
1849 and other costs actually incurred by the complainant as a result of such
1850 discriminatory practice and shall allow reasonable attorney's fees and
1851 costs. The amount of attorney's fees allowed shall not be contingent
1852 upon the amount of damages requested by or awarded to the
1853 complainant.

1854 (d) In addition to any other action taken under this section, upon a
1855 finding of a discriminatory practice prohibited by section 46a-66, as
1856 amended by this act, [or 46a-81f,] the presiding officer shall [issue and]
1857 file with the commission and [cause to be served] serve on the
1858 respondent an order requiring the respondent to pay the complainant
1859 the damages resulting from the discriminatory practice.

1860 (e) In addition to any other action taken under this section, upon a
1861 finding of noncompliance with antidiscrimination statutes or contract
1862 provisions required under section 4a-60, as amended by this act, [or 4a-
1863 60a] or the provisions of sections 46a-68c to 46a-68f, inclusive, the
1864 presiding officer shall [issue and] file with the commission and [cause
1865 to be served] serve on the respondent an order with respect to any
1866 remedial action imposed [by the presiding officer] pursuant to
1867 subsection (c) or (d) of section 46a-56, as amended by this act.

1868 (f) If, upon all the evidence and after a complete hearing, the
1869 presiding officer finds that the respondent has not engaged in any

1870 alleged discriminatory practice, the presiding officer shall [state the
1871 presiding officer's] make written findings of fact and shall [issue and]
1872 file with the commission and [cause to be served] serve on the
1873 respondent an order dismissing the complaint.

1874 (g) Any payment received by a complainant under this chapter or
1875 under any equivalent federal antidiscrimination law, either as a
1876 settlement of a claim or as an award made in a judicial or
1877 administrative proceeding, shall not be considered as income,
1878 resources or assets for the purpose of determining the eligibility of or
1879 amount of assistance to be received by such person in the month of
1880 receipt or the three months following receipt under the state
1881 supplement program, Medicaid or any other medical assistance
1882 program, temporary family assistance program, state-administered
1883 general assistance program, or the temporary assistance for needy
1884 families program. After such time period, any remaining funds shall
1885 be subject to state and federal laws governing such programs,
1886 including, but not limited to, provisions concerning an individual
1887 development [accounts] account, as defined in section 31-51ww.

1888 Sec. 34. Section 46a-87 of the general statutes is repealed and the
1889 following is substituted in lieu thereof (*Effective July 1, 2013*):

1890 (a) Contumacy or refusal to obey a subpoena issued pursuant to this
1891 chapter shall constitute contempt punishable, upon the application of
1892 the authority issuing such subpoena, by the superior court for the
1893 judicial district of Hartford, the [Superior Court for the] judicial district
1894 in which the hearing is held or the investigation is conducted or the
1895 judicial district in which the witness resides or transacts business. An
1896 objection that has not been raised before the commission to defeat or
1897 excuse compliance with the subpoena may not be presented to or
1898 relied on by the court.

1899 (b) No person may be excused from [attending and] testifying or
1900 from producing records [, correspondence, documents] or other
1901 evidence in obedience to a subpoena [.] on the ground that the

1902 testimony or evidence required of [him] such person may tend to
1903 incriminate [him] such person or subject [him] such person to a
1904 penalty or forfeiture. [, but no person] No person, after having claimed
1905 the privilege against self-incrimination, may be prosecuted or
1906 subjected to any penalty [or forfeiture for or on account of any
1907 transaction, matter or thing concerning which he is compelled, after
1908 having claimed his privilege against self-incrimination, to testify or
1909 produce evidence] for any matter revealed by such testimony or
1910 production, provided such testimony or production is compelled by
1911 this section, except that [such person so testifying shall not] no such
1912 person shall be exempt from prosecution and punishment for perjury
1913 committed in so testifying. The immunity [herein] provided in this
1914 subsection shall extend only to natural persons [so] compelled to
1915 testify or produce records or other evidence.

1916 Sec. 35. Section 46a-88 of the general statutes is repealed and the
1917 following is substituted in lieu thereof (*Effective July 1, 2013*):

1918 (a) Upon the failure of any person to answer interrogatories issued
1919 pursuant to subsection (11) of section 46a-54, as amended by this act,
1920 the commission may file a petition with the interrogatories attached
1921 with the [Superior Court of] superior court for the judicial district of
1922 Hartford, the judicial district in which the violation is alleged to have
1923 occurred or [where] the judicial district in which such person resides
1924 or transacts business, requesting the court to order that an answer be
1925 filed.

1926 (b) The commission shall [cause] serve a copy of the petition
1927 provided for in subsection (a) of this section [to be sent] by registered
1928 or certified mail to the person from whom such answers are sought or
1929 [his] such person's legal representative.

1930 (c) The court shall assume jurisdiction over the proceedings
1931 provided for in this section and [may] shall, after hearing [,] or in the
1932 absence of objection, enter an order which it deems appropriate. An
1933 objection that has not been raised before the commission to defeat or

1934 excuse compliance with the interrogatories may not be presented to or
1935 relied on by the court.

1936 [(d) The proceedings provided for in this section shall conform to
1937 the rules of practice of the Superior Court.]

1938 Sec. 36. Section 46a-89 of the general statutes is repealed and the
1939 following is substituted in lieu thereof (*Effective July 1, 2013*):

1940 (a) (1) Whenever a complaint [is filed with or by the commission]
1941 filed pursuant to section 46a-82, as amended by this act, [alleging]
1942 alleges a violation of section 46a-60, as amended by this act, [or 46a-
1943 81c, and a commissioner believes, upon review and the
1944 recommendation of the investigator assigned,] and the commission
1945 believes that equitable relief is required to prevent irreparable harm to
1946 the complainant, the [commissioner] commission may bring a petition
1947 [in equity] in the superior court for the judicial district of Hartford, the
1948 judicial district in which the discriminatory practice [which] that is the
1949 subject of the complaint occurred or the judicial district in which the
1950 respondent resides, provided this subdivision shall not apply to
1951 complaints against employers with less than fifty employees.

1952 (2) The petition shall seek appropriate temporary injunctive relief
1953 against the respondent pending final disposition of the complaint
1954 pursuant to the procedures set forth in this chapter. The injunctive
1955 relief may include an order temporarily restraining the respondent
1956 from doing any act that would render ineffectual any order a presiding
1957 officer may render with respect to the complaint.

1958 (3) Upon service on the respondent of notice pursuant to section
1959 46a-89a, as amended by this act, the respondent shall be temporarily
1960 restrained from taking any action that would render ineffectual the
1961 temporary injunctive relief [prayed for] requested in the petition,
1962 provided nothing in this section shall be construed to prevent the
1963 respondent from having any employment duties [,] enjoined under
1964 this section and section 46a-89a, as amended by this act, from being

1965 carried out by another employee and the notice shall so provide.

1966 (b) (1) Whenever a complaint filed pursuant to section 46a-82, as
1967 amended by this act, alleges a violation of section 46a-64, as amended
1968 by this act, or 46a-64c, as amended by this act, [46a-81d or 46a-81e, and
1969 a commissioner] and the commission believes that injunctive relief is
1970 required or that the imposition of punitive damages or a civil penalty
1971 would be appropriate, the commission may bring a petition in the
1972 superior court for the judicial district in [which] that the
1973 discriminatory practice which is the subject of the complaint occurred
1974 or the judicial district in which the respondent resides.

1975 (2) The petition shall seek: (A) Appropriate injunctive relief,
1976 including temporary or permanent orders or decrees restraining and
1977 enjoining the respondent from selling or renting to anyone other than
1978 the complainant or otherwise making unavailable to the complainant
1979 any dwelling or commercial property with respect to which the
1980 complaint is made, pending the final determination of such complaint
1981 by the commission or such petition by the court; (B) an award of
1982 damages based on the remedies available under subsection (c) of
1983 section 46a-86, as amended by this act; (C) an award of punitive
1984 damages payable to the complainant, not to exceed fifty thousand
1985 dollars; (D) a civil penalty payable to the state against the respondent
1986 to vindicate the public interest: (i) In an amount not exceeding ten
1987 thousand dollars, if the respondent has not been adjudged to have
1988 committed any prior discriminatory housing practice; (ii) in an amount
1989 not exceeding twenty-five thousand dollars, if the respondent has been
1990 adjudged to have committed one other discriminatory housing
1991 practice during the five-year period prior to the date of the filing of
1992 this complaint; and (iii) in an amount not exceeding fifty thousand
1993 dollars, if the respondent has been adjudged to have committed two or
1994 more discriminatory housing practices during the seven-year period
1995 prior to the date of the filing of the complaint; except that if the acts
1996 constituting the discriminatory housing practice that is the object of the
1997 complaint are committed by the same natural person who has been

1998 previously adjudged to have committed acts constituting a
1999 discriminatory housing practice, then the civil penalties set forth in
2000 clauses (ii) and (iii) of this subparagraph may be imposed without
2001 regard to the period of time within which any subsequent
2002 discriminatory housing practice occurred; or (E) two or more of such
2003 remedies.

2004 (3) Upon service on the respondent of notice pursuant to section
2005 46a-89a, as amended by this act, the respondent shall be temporarily
2006 restrained from selling or renting the dwelling or commercial property
2007 which is the subject of the complaint to anyone other than the
2008 complainant, or from otherwise making such dwelling or commercial
2009 property unavailable to the complainant, until the court or judge has
2010 decided the petition for temporary injunctive relief and the notice shall
2011 so provide.

2012 Sec. 37. Section 46a-89a of the general statutes is repealed and the
2013 following is substituted in lieu thereof (*Effective July 1, 2013*):

2014 (a) The [court, or any judge of the court when such court is not
2015 actually in session,] Superior Court may grant an injunction
2016 [forthwith] immediately, if the circumstances of the case demand it, or
2017 the court [or judge] may cause immediate notice of the petition to be
2018 given to the adverse party [, that he may] to show cause why such
2019 injunction should not be granted. [; but no] No temporary injunction
2020 may be granted without notice to the adverse party unless it clearly
2021 appears from the specific facts shown by affidavit or by verified
2022 complaint that irreparable loss or damage will result to the
2023 complainant before the matter can be heard.

2024 (b) The court, [or any judge thereof,] after hearing, shall issue a
2025 temporary injunction upon a finding that irreparable loss or damage
2026 will result to the complainant in that (1) there is a substantial
2027 probability of loss of meaningful relief including but not limited to the
2028 availability of an employment opportunity or the rental or sale of a
2029 dwelling or commercial property, or (2) there is a substantial

2030 probability of interference with the ability of the commission to
2031 provide meaningful relief as authorized by this chapter.

2032 (c) Upon rendering a decision in favor of the commission on the
2033 petition for temporary injunctive relief, the court [or judge] shall
2034 simultaneously enter an order granting temporary injunctive relief and
2035 such other relief as deemed necessary and remand the complaint to the
2036 commission for further proceedings pursuant to this chapter.

2037 (d) Upon rendering a decision in favor of the respondent on the
2038 petition for temporary injunctive relief, the court [or judge] shall
2039 simultaneously enter an order dissolving any injunctive relief, order,
2040 decree, temporary relief or restraining order [theretofore] previously
2041 issued [against the respondent in the matter] and remand the matter to
2042 the commission.

2043 (e) Commencement of proceedings pursuant to section 46a-89, as
2044 amended by this act, this section or section 46a-90a, as amended by
2045 this act, shall not bar the commission from processing the complaint
2046 pursuant to the procedures set forth in this chapter.

2047 Sec. 38. Section 46a-90a of the general statutes is repealed and the
2048 following is substituted in lieu thereof (*Effective July 1, 2013*):

2049 (a) The [chairperson of the commission] chief referee shall schedule
2050 a date for a hearing pursuant to section 46a-84, as amended by this act,
2051 to be held within forty-five days of any temporary injunctive relief or
2052 restraining order issued pursuant to section 46a-89a, as amended by
2053 this act. Such temporary injunctive relief or restraining order shall
2054 remain in effect until the presiding officer renders [his] a decision on
2055 the complaint. If the commission does not conduct its hearing
2056 procedure with reasonable [dispatch] speed, the court, on the motion
2057 of the respondent and for good cause shown, shall remove such
2058 temporary injunction and assume jurisdiction of all civil proceedings
2059 arising out of the complaint and shall set the matter for hearing on the
2060 merits. The presiding officer shall render [his] a decision within twenty

2061 days after the close of evidence and the filing of briefs.

2062 (b) When the presiding officer finds that the respondent has
2063 engaged in any discriminatory practice prohibited by section 46a-60, as
2064 amended by this act, 46a-64, as amended by this act, or 46a-64c, as
2065 amended by this act, [46a-81c, 46a-81d or 46a-81e] and grants relief on
2066 the complaint [, which relief requires that such] requiring that a
2067 temporary injunction remain in effect, the commission [chairperson]
2068 may, through the procedure outlined in subsection (a) of section 46a-
2069 95, as amended by this act, petition the court which granted the
2070 original temporary injunction to make the injunction permanent.

2071 (c) Upon issuance of a permanent injunction, the case shall be
2072 returned to the commission for such further action as is authorized by
2073 this chapter.

2074 (d) Any temporary injunction issued under [the provisions of]
2075 section 46a-89a, as amended by this act, shall remain in effect during
2076 any appeal under section 46a-94a, as amended by this act, or any
2077 enforcement procedure under section 46a-95, as amended by this act,
2078 unless removed by the court. [or a judge thereof.]

2079 Sec. 39. Section 46a-94 of the general statutes is repealed and the
2080 following is substituted in lieu thereof (*Effective July 1, 2013*):

2081 (a) An appeal to the Appellate Court shall lie from any judgment,
2082 injunctive relief, order or decree entered pursuant to section 46a-89, as
2083 amended by this act, 46a-89a, as amended by this act, or 46a-90a, as
2084 amended by this act.

2085 (b) In any appeal to the Appellate Court under [the provisions of]
2086 this section, any judge of the Appellate Court, on written application,
2087 after oral hearing: (1) May order a party who has filed a notice of intent
2088 to appeal either to appeal or withdraw such notice of appeal, and (2)
2089 may make such orders as will expedite the appeal.

2090 Sec. 40. Section 46a-94a of the general statutes is repealed and the

2091 following is substituted in lieu thereof (*Effective July 1, 2013*):

2092 (a) The [Commission on Human Rights and Opportunities]
2093 commission, any respondent or any complainant aggrieved by a final
2094 order of a presiding officer [or any complainant] may appeal to the
2095 Superior Court in accordance with section 4-183. Any complainant
2096 may appeal to the Superior Court in accordance with section 4-183 if
2097 the complainant is aggrieved by (1) the dismissal of [his] a complaint
2098 [by the commission] for failure to attend a mandatory mediation
2099 session, as provided in subsection (c) of section 46a-83, as amended by
2100 this act, (2) a finding of no reasonable cause, as provided in subsection
2101 (e) of [said] section 46a-83, as amended by this act, or (3) a rejection of
2102 reconsideration, [of any dismissal] as provided in subsection (f) of
2103 [said] section 46a-83, as amended by this act. [, may appeal therefrom
2104 in accordance with section 4-183. The court on appeal shall also have
2105 jurisdiction to grant to the commission, respondent or complainant
2106 such temporary relief or restraining order as it deems just and suitable,
2107 and in like manner to make and enter a decree enforcing or modifying
2108 and enforcing as so modified or setting aside, in whole or in part, the
2109 order sought to be reviewed.] The court shall conduct the appeal in
2110 accordance with section 4-183.

2111 (b) Notwithstanding the provisions of subsection (a) of this section,
2112 a complainant may not appeal the dismissal of [his] any complaint if
2113 [he] such complainant has been granted a release pursuant to section
2114 46a-101, as amended by this act.

2115 (c) The commission on its own motion may, whenever justice so
2116 requires, reopen any matter previously closed [by the commission] in
2117 accordance with [the provisions of] this subsection, provided such
2118 matter has not been appealed to the Superior Court pursuant to
2119 subsection (a) of this section. [4-183.] Notice of such reopening shall be
2120 given to all parties. A complainant or respondent may, for good cause
2121 shown, in the interest of justice, apply in writing for the reopening of a
2122 previously closed proceeding, provided such application is filed with
2123 the executive director of the commission within two years of the

2124 commission's final decision and the complainant has (1) not been
2125 issued a release of jurisdiction pursuant to section 46a-83a and filed a
2126 civil action, or (2) requested and received a release of jurisdiction from
2127 the commission pursuant to section 46a-101, as amended by this act.

2128 (d) The standards for reopening a matter may include, but are not
2129 limited to: (1) A material mistake of fact or law has occurred; (2) the
2130 finding is arbitrary or capricious; (3) the finding is clearly erroneous in
2131 view of the reliable, probative and substantial evidence on the whole
2132 record; and (4) new evidence has been discovered which materially
2133 affects the merits of the case and which, for good reasons, was not
2134 presented during the investigation.

2135 Sec. 41. Subsection (a) of section 46a-95 of the general statutes is
2136 repealed and the following is substituted in lieu thereof (*Effective July*
2137 *1, 2013*):

2138 (a) The commission, through the Attorney General or a commission
2139 legal counsel, or the complainant may petition the superior court for
2140 the judicial district of Hartford, the judicial district [where] in which
2141 any discriminatory practice occurred or the judicial district in which
2142 any person charged with a discriminatory practice resides or transacts
2143 business for the enforcement of any order issued by a presiding officer
2144 under this chapter and for appropriate temporary relief [of] or a
2145 restraining order.

2146 Sec. 42. Section 46a-97 of the general statutes is repealed and the
2147 following is substituted in lieu thereof (*Effective July 1, 2013*):

2148 (a) Any employer, employment agency or labor organization
2149 [which] that fails to post such notices of statutory provisions as the
2150 commission may require pursuant to subsection (13), (14) or (15) of
2151 section 46a-54, as amended by this act, shall be subject to a fine of not
2152 more than two hundred fifty dollars.

2153 (b) Any person who fails to post such notices of statutory provisions
2154 as the commission may require pursuant to subsection (14) of section

2155 46a-54, as amended by this act, shall be fined not more than two
2156 hundred fifty dollars.

2157 Sec. 43. Section 46a-98 of the general statutes is repealed and the
2158 following is substituted in lieu thereof (*Effective July 1, 2013*):

2159 (a) In lieu of, but not in addition to, filing a complaint [with the
2160 Commission on Human Rights and Opportunities] pursuant to section
2161 46a-82, as amended by this act, any person claiming to be aggrieved by
2162 a violation of section 46a-66, as amended by this act, [or 46a-81f] may
2163 bring an action under this section against a creditor [, as defined in
2164 section 46a-65,] in the superior court for the judicial district in which
2165 such aggrieved person resides or in which the alleged violation took
2166 place.

2167 (b) Any [such] creditor who fails to comply with any requirement of
2168 section 46a-66, as amended by this act, [or 46a-81f] or the regulations
2169 adopted pursuant to section 46a-67, as amended by this act, shall be
2170 liable to an aggrieved person in an amount equal to the sum of any
2171 actual damages sustained by such person.

2172 (c) Any [such] creditor who fails to comply with any requirement of
2173 section 46a-66, as amended by this act, [or 46a-81f] or the regulations
2174 adopted pursuant to section 46a-67, as amended by this act, shall be
2175 liable to an aggrieved person for punitive damages in an amount not
2176 greater than one thousand dollars, as determined by the court, in
2177 addition to any actual damages provided in subsection (b) of this
2178 section.

2179 (d) Any [such] creditor who fails to comply with any requirement of
2180 section 46a-66, as amended by this act, [or 46a-81f] or the regulations
2181 adopted pursuant to section 46a-67, as amended by this act, may be
2182 liable for punitive damages in the case of a class action in such amount
2183 as the court may allow, provided the total recovery of punitive
2184 damages shall not exceed the lesser of five thousand dollars or one per
2185 cent of the net worth of the creditor. In determining the amount of

2186 award in any class action, the court shall consider, among other
2187 relevant factors, the amount of any actual damages awarded, the
2188 frequency and persistence of failures of compliance by the creditor, the
2189 resources of the creditor, the number of persons adversely affected [.]
2190 and the extent to which the creditor's failure of compliance was
2191 intentional.

2192 (e) No action may be brought under this section except within one
2193 year from the date of the occurrence of the violation.

2194 Sec. 44. Section 46a-98a of the general statutes is repealed and the
2195 following is substituted in lieu thereof (*Effective July 1, 2013*):

2196 Any person claiming to be aggrieved by a violation of section 46a-
2197 64c, as amended by this act, [or 46a-81e] or by a breach of a conciliation
2198 agreement entered into pursuant to this chapter [.] may bring an action
2199 in the Superior Court, or the housing session of said court, if
2200 appropriate, within one year of the date of the alleged discriminatory
2201 practice or of a breach of a conciliation agreement, [entered into
2202 pursuant to this chapter.] No action pursuant to this section may be
2203 brought [in the Superior Court] regarding the alleged discriminatory
2204 practice after the commission has obtained a conciliation agreement
2205 pursuant to section 46a-83, as amended by this act, or commenced a
2206 hearing pursuant to section 46a-84, as amended by this act, except for
2207 an action to enforce the [conciliation] agreement. The court shall have
2208 the power to grant relief, by injunction or otherwise, as it deems just
2209 and suitable. [In addition to the penalties provided for under
2210 subsection (g) of section 46a-64c or subsection (f) of section 46a-81e,
2211 the] The court may grant any relief which a presiding officer may grant
2212 [in a proceeding] under section 46a-86, as amended by this act, or
2213 which the court may grant in a proceeding under section 46a-89, as
2214 amended by this act. The commission, through commission legal
2215 counsel or the Attorney General, may intervene as a matter of right in
2216 any action brought pursuant to this section without permission of the
2217 court or the parties.

2218 Sec. 45. Section 46a-99 of the general statutes is repealed and the
2219 following is substituted in lieu thereof (*Effective July 1, 2013*):

2220 Any person claiming to be aggrieved by a violation of any provision
2221 of sections 46a-70 to 46a-78, inclusive, as amended by this act, [or
2222 sections 46a-81h to 46a-81o, inclusive,] may petition the Superior Court
2223 for appropriate relief and [said] the court shall have the power to grant
2224 such relief, by injunction or otherwise, as it deems just and suitable.

2225 Sec. 46. Section 46a-100 of the general statutes is repealed and the
2226 following is substituted in lieu thereof (*Effective July 1, 2013*):

2227 Any person who has [timely] filed a complaint with the
2228 [Commission on Human Rights and Opportunities] commission in
2229 accordance with section 46a-82, as amended by this act, and who has
2230 obtained a release [from the commission] of jurisdiction in accordance
2231 with section 46a-83a or 46a-101, as amended by this act, may also bring
2232 an action in the superior court for the judicial district in which the
2233 discriminatory practice is alleged to have occurred, [or] the judicial
2234 district in which the respondent transacts business or the judicial
2235 district in which the complainant resides, except any action involving a
2236 state agency or official may be brought in the superior court for the
2237 judicial district of Hartford.

2238 Sec. 47. Section 46a-101 of the general statutes is repealed and the
2239 following is substituted in lieu thereof (*Effective July 1, 2013*):

2240 (a) No action may be brought in accordance with section 46a-100, as
2241 amended by this act, unless the complainant has received a release of
2242 jurisdiction from the commission in accordance with the provisions of
2243 this section.

2244 (b) The complainant and the respondent [, by themselves or their
2245 attorneys,] may jointly request that the complainant receive a release
2246 from the commission at any time from the date of filing the complaint.
2247 The complainant [or the complainant's attorney] may request a release
2248 from the commission if the complaint is still pending after the

2249 expiration of one hundred eighty days from the date of its filing or
2250 after a merit assessment review in accordance with subsection (b) of
2251 section 46a-83, as amended by this act, whichever is earlier. The
2252 executive director or the executive director's designee shall conduct an
2253 expedited merit assessment review in accordance with subsection (b)
2254 of section 46a-83, as amended by this act, if the commission receives a
2255 request for a release of jurisdiction from the complainant [or the
2256 complainant's attorney] prior to one hundred eighty days from the
2257 date a complaint is filed.

2258 (c) The executive director [of the commission] or the executive
2259 director's designee shall grant a release of jurisdiction, allowing the
2260 complainant to bring a civil action, within ten business days after
2261 receipt of the request for the release, except that if a case is scheduled
2262 for public hearing, the executive director or the executive director's
2263 designee may decline to issue a release. The commission may defer
2264 acting on a request for a release for thirty days if the executive director
2265 [of the commission, or his] or the executive director's designee []
2266 certifies that [he has] there is reason to believe that the complaint may
2267 be resolved within that period.

2268 (d) Upon granting a release, the commission shall dismiss or
2269 otherwise administratively dispose of the discriminatory practice
2270 complaint pending with the commission without cost or penalty
2271 assessed to any party.

2272 (e) Any action brought by the complainant in accordance with
2273 section 46a-100, as amended by this act, shall be brought within ninety
2274 days of the receipt of the release from the commission.

2275 Sec. 48. Section 46a-102 of the general statutes is repealed and the
2276 following is substituted in lieu thereof (*Effective July 1, 2013*):

2277 Any action brought in accordance with section 46a-100, as amended
2278 by this act, shall be brought within two years of the date of filing of the
2279 complaint with the commission. [, except that an action may be

2280 brought within six months of October 1, 1991, with respect to an
2281 alleged violation provided a complaint concerning such violation has
2282 been pending with the commission for more than one year as of
2283 October 1, 1991, unless the complaint has been scheduled for a
2284 hearing.]

2285 Sec. 49. Section 46a-103 of the general statutes is repealed and the
2286 following is substituted in lieu thereof (*Effective July 1, 2013*):

2287 The complainant [or his attorney] shall serve a copy of the
2288 complaint in an action brought in accordance with section 46a-100, as
2289 amended by this act, on the executive director of the commission at the
2290 same time all other parties [in such action] are served. Service on the
2291 commission shall be for the purpose of providing legal notice of the
2292 action and shall not [thereby] make the commission a necessary party.
2293 [to the action.] The commission, through its counsel or the Attorney
2294 General, may intervene as a matter of right in any action brought in
2295 accordance with section 46a-100, as amended by this act, without
2296 permission of the court or the parties.

2297 Sec. 50. Section 53-37 of the general statutes is repealed and the
2298 following is substituted in lieu thereof (*Effective July 1, 2013*):

2299 Any person who, by his or her advertisement, ridicules or holds up
2300 to contempt any person or class of persons [, on account] because of
2301 the [creed, religion, color, denomination, nationality or] race, color,
2302 religion, age, sex, gender identity or expression, sexual orientation,
2303 marital status, national origin, ancestry, present or past history of
2304 mental disability, intellectual disability, learning disability or physical
2305 disability of such person or class of persons, shall be guilty of a class D
2306 misdemeanor.

2307 Sec. 51. Subsection (b) of section 32-235 of the general statutes is
2308 repealed and the following is substituted in lieu thereof (*Effective July*
2309 *1, 2013*):

2310 (b) The proceeds of the sale of said bonds, to the extent of the

2311 amount stated in subsection (a) of this section, shall be used by the
2312 Department of Economic and Community Development (1) for the
2313 purposes of sections 32-220 to 32-234, inclusive, including economic
2314 cluster-related programs and activities, and for the Connecticut job
2315 training finance demonstration program pursuant to sections 32-23uu
2316 and 32-23vv, provided (A) three million dollars shall be used by said
2317 department solely for the purposes of section 32-23uu and not more
2318 than five million two hundred fifty thousand dollars of the amount
2319 stated in said subsection (a) may be used by said department for the
2320 purposes of section 31-3u, (B) not less than one million dollars shall be
2321 used for an educational technology grant to the deployment center
2322 program and the nonprofit business consortium deployment center
2323 approved pursuant to section 32-41l, (C) not less than two million
2324 dollars shall be used by said department for the establishment of a
2325 pilot program to make grants to businesses in designated areas of the
2326 state for construction, renovation or improvement of small
2327 manufacturing facilities, provided such grants are matched by the
2328 business, a municipality or another financing entity. The
2329 Commissioner of Economic and Community Development shall
2330 designate areas of the state where manufacturing is a substantial part
2331 of the local economy and shall make grants under such pilot program
2332 which are likely to produce a significant economic development
2333 benefit for the designated area, (D) five million dollars may be used by
2334 said department for the manufacturing competitiveness grants
2335 program, (E) one million dollars shall be used by said department for
2336 the purpose of a grant to the Connecticut Center for Advanced
2337 Technology, for the purposes of subdivision (5) of subsection (a) of
2338 section 32-7f, (F) fifty million dollars shall be used by said department
2339 for the purpose of grants to the United States Department of the Navy,
2340 the United States Department of Defense or eligible applicants for
2341 projects related to the enhancement of infrastructure for long-term, on-
2342 going naval operations at the United States Naval Submarine Base-
2343 New London, located in Groton, which will increase the military value
2344 of said base. Such projects shall not be subject to the provisions of
2345 [sections] section 4a-60, as amended by this act, [and 4a-60a,] (G) two

2346 million dollars shall be used by said department for the purpose of a
 2347 grant to the Connecticut Center for Advanced Technology, Inc., for
 2348 manufacturing initiatives, including aerospace and defense, and (H)
 2349 four million dollars shall be used by said department for the purpose
 2350 of a grant to companies adversely impacted by the construction at the
 2351 Quinnipiac Bridge, where such grant may be used to offset the increase
 2352 in costs of commercial overland transportation of goods or materials
 2353 brought to the port of New Haven by ship or vessel, and (2) for the
 2354 purposes of the small business assistance program established
 2355 pursuant to section 32-9yy, provided fifteen million dollars shall be
 2356 deposited in the small business assistance account established
 2357 pursuant to said section 32-9yy. The provisions of sections 32-220 to
 2358 32-234, inclusive, shall not apply to such funds authorized pursuant to
 2359 this subdivision.

2360 Sec. 52. Section 45a-726a of the general statutes is repealed and the
 2361 following is substituted in lieu thereof (*Effective July 1, 2013*):

2362 Notwithstanding any provision of [sections 4a-60a and 46a-81a to
 2363 46a-81p, inclusive] section 4a-60, as amended by this act, and chapter
 2364 814c, the Commissioner of Children and Families or a child-placing
 2365 agency may consider the sexual orientation of the prospective adoptive
 2366 or foster parent or parents when placing a child for adoption or in
 2367 foster care. Nothing in this section shall be deemed to require the
 2368 Commissioner of Children and Families or a child-placing agency to
 2369 place a child for adoption or in foster care with a prospective adoptive
 2370 or foster parent or parents who are homosexual or bisexual.

2371 Sec. 53. Section 46a-68b of the general statutes is repealed and the
 2372 following is substituted in lieu thereof (*Effective July 1, 2013*):

2373 As used in this section and sections 4a-60, as amended by this act,
 2374 [4a-60a,] 4a-60g, as amended by this act, 4a-62, 46a-56, as amended by
 2375 this act, and 46a-68c to 46a-68k, inclusive: "Public works contract"
 2376 means any agreement between any individual, firm or corporation and
 2377 the state or any political subdivision of the state other than a

2378 municipality for construction, rehabilitation, conversion, extension,
2379 demolition or repair of a public building, highway or other changes or
2380 improvements in real property, or which is financed in whole or in
2381 part by the state, including, but not limited to, matching expenditures,
2382 grants, loans, insurance or guarantees.

2383 Sec. 54. Subsection (b) of section 1-1g of the general statutes is
2384 repealed and the following is substituted in lieu thereof (*Effective July*
2385 *1, 2013*):

2386 (b) For the purposes of sections 4a-60, as amended by this act, 4b-28,
2387 4b-31, 8-2g, 8-3e, 8-119t, 9-159s, 10-91f, 12-81, 17a-210, 17a-210b, 17a-
2388 215c, 17a-217 to 17a-218a, inclusive, 17a-220, 17a-226 to 17a-227a,
2389 inclusive, 17a-228, 17a-231 to 17a-233, inclusive, 17a-247 to 17a-247b,
2390 inclusive, 17a-270, 17a-272 to 17a-274, inclusive, 17a-276, 17a-277, 17a-
2391 281, 17a-282, 17a-580, 17a-593, 17a-594, 17a-596, 17b-226, 19a-638, 45a-
2392 598, 45a-669, 45a-670, 45a-672, 45a-674, 45a-676, 45a-677, 45a-678, 45a-
2393 679, 45a-680, 45a-681, 45a-682, 45a-683, 46a-11a to 46a-11g, inclusive,
2394 46a-51, as amended by this act, 46a-60, as amended by this act, 46a-64,
2395 as amended by this act, [46a-64b,] 46a-66, as amended by this act, 46a-
2396 70, as amended by this act, 46a-71, as amended by this act, 46a-72, as
2397 amended by this act, 46a-73, as amended by this act, 46a-75, as
2398 amended by this act, 46a-76, as amended by this act, 46b-84, as
2399 amended by this act, 52-146o, 53a-46a, 53a-59a, 53a-60b, 53a-60c, 53a-
2400 61a, 53a-181i, 53a-320, 53a-321, 53a-322, 53a-323, 54-56d and 54-250,
2401 "intellectual disability" has the same meaning as "mental retardation"
2402 as defined in subsection (a) of this section.

2403 Sec. 55. Subsection (a) of section 17a-210d of the general statutes is
2404 repealed and the following is substituted in lieu thereof (*Effective July*
2405 *1, 2013*):

2406 (a) (1) Wherever the words "the mentally retarded" are used in the
2407 following general statutes, "persons with intellectual disability" or
2408 "individuals with intellectual disability" shall be substituted in lieu
2409 thereof; (2) wherever the words "mentally retarded", "mentally

2410 retarded person" or "mentally retarded persons" are used in the
 2411 following general statutes, the words "intellectual disability", "person
 2412 with intellectual disability" or "persons with intellectual disability"
 2413 shall be substituted in lieu thereof; and (3) wherever the words "mental
 2414 retardation" are used in the following general statutes, the words
 2415 "intellectual disability" shall be substituted in lieu thereof: 4a-60, as
 2416 amended by this act, 4b-31, 8-2g, 8-3e, 9-159s, 10-91f, 17a-593, 17a-594,
 2417 17a-596, 45a-598, 45a-669, 45a-672, 45a-676, 45a-677, 45a-678, 45a-679,
 2418 45a-680, 45a-681, 45a-682, 45a-683, 46a-51, as amended by this act, 46a-
 2419 60, as amended by this act, 46a-64, as amended by this act, [46a-64b,]
 2420 46a-66, as amended by this act, 46a-70, as amended by this act, 46a-71,
 2421 as amended by this act, 46a-72, as amended by this act, 46a-73, as
 2422 amended by this act, 46a-75, as amended by this act, 46a-76, as
 2423 amended by this act, 46b-84, as amended by this act, 52-146o, 53a-46a,
 2424 53a-181i and 54-250.

2425 Sec. 56. Subdivision (1) of subsection (a) of section 47a-23c of the
 2426 general statutes is repealed and the following is substituted in lieu
 2427 thereof (*Effective July 1, 2013*):

2428 (a) (1) Except as provided in subdivision (2) of this subsection, this
 2429 section applies to any tenant who resides in a building or complex
 2430 consisting of five or more separate dwelling units or who resides in a
 2431 mobile manufactured home park and who is either: (A) Sixty-two
 2432 years of age or older, or whose spouse, sibling, parent or grandparent
 2433 is sixty-two years of age or older and permanently resides with that
 2434 tenant, or (B) a person with a physical or mental disability, as defined
 2435 in [subdivision (8) of section 46a-64b] section 46a-51, as amended by
 2436 this act, or whose spouse, sibling, child, parent or grandparent is a
 2437 person with a physical or mental disability who permanently resides
 2438 with that tenant, but only if such disability can be expected to result in
 2439 death or to last for a continuous period of at least twelve months.

2440 Sec. 57. Subsection (b) of section 5-248a of the general statutes is
 2441 repealed and the following is substituted in lieu thereof (*Effective July*
 2442 *1, 2013*):

2443 (b) The leave of absence benefits granted by this section shall be in
2444 addition to any other paid leave benefits and benefits provided under
2445 subdivision [(7)] (5) of subsection (a) of section 46a-60, as amended by
2446 this act, which are otherwise available to the employee.

2447 Sec. 58. Section 19a-490s of the general statutes is repealed and the
2448 following is substituted in lieu thereof (*Effective July 1, 2013*):

2449 Except as provided in this section, a health care employer shall
2450 report to such employer's local law enforcement agency any act which
2451 may constitute an assault or related offense, as described in part V of
2452 chapter 952, against a health care employee acting in the performance
2453 of his or her duties. A health care employer shall make such report not
2454 later than twenty-four hours after the occurrence of the act. The health
2455 care employer shall provide the names and addresses of those
2456 involved with such act to the local law enforcement agency. A health
2457 care employer shall not be required to report any act which may
2458 constitute assault or a related offense if the act was committed by a
2459 person with a disability as described in subdivision [(13), (15) or (20)]
2460 (30), (36) or (41) of section 46a-51, as amended by this act, whose
2461 conduct is a clear and direct manifestation of the disability.

2462 Sec. 59. Subsection (c) of section 46b-84 of the general statutes is
2463 repealed and the following is substituted in lieu thereof (*Effective July*
2464 *1, 2013*):

2465 (c) The court may make appropriate orders of support of any child
2466 with intellectual disability, as defined in section 1-1g, [or] a mental
2467 disability, as defined in subdivision (36) of section 46a-51, as amended
2468 by this act, or a physical disability, as defined in subdivision [(15)] (41)
2469 of section 46a-51, as amended by this act, who resides with a parent
2470 and is principally dependent upon such parent for maintenance until
2471 such child attains the age of twenty-one. The child support guidelines
2472 established pursuant to section 46b-215a shall not apply to orders
2473 entered under this subsection. The provisions of this subsection shall
2474 apply only in cases where the decree of dissolution of marriage, legal

2475 separation or annulment is entered on or after October 1, 1997, or
2476 where the initial support orders in actions not claiming any such
2477 decree are entered on or after October 1, 1997.

2478 Sec. 60. Subsection (c) of section 53a-167c of the general statutes is
2479 repealed and the following is substituted in lieu thereof (*Effective July*
2480 *1, 2013*):

2481 (c) In any prosecution under this section involving assault of a
2482 health care employee, as defined in section 19a-490q, it shall be a
2483 defense that the defendant is a person with a disability as described in
2484 subdivision [(13), (15) or (20)] (30), (36) or (41) of section 46a-51, as
2485 amended by this act, and the defendant's conduct was a clear and
2486 direct manifestation of the disability.

2487 Sec. 61. Subsections (c) and (d) of section 46a-68 of the general
2488 statutes are repealed and the following is substituted in lieu thereof
2489 (*Effective July 1, 2013*):

2490 (c) Each state agency, department, board and commission that
2491 employs two hundred fifty or more full-time employees shall file an
2492 affirmative action plan developed in accordance with subsection (a) of
2493 this section, with the Commission on Human Rights and
2494 Opportunities, semiannually, except that any state agency,
2495 department, board or commission which has an affirmative action plan
2496 approved by the [commission] board of commissioners may be
2497 permitted to file its plan on an annual basis in a manner prescribed by
2498 the [commission] board of commissioners and any state agency,
2499 department, board or commission that employs twenty-five or more
2500 employees but fewer than two hundred fifty full-time employees shall
2501 file its affirmative action plan biennially, unless the [commission]
2502 board of commissioners disapproves the most recent submission of the
2503 plan, in which case the [commission] board of commissioners may
2504 require the resubmission of such plan by a time chosen by the
2505 [commission] board of commissioners, until the plan is approved. All
2506 affirmative action plans shall be filed electronically, if practicable.

(d) The [Commission on Human Rights and Opportunities] board of commissioners shall review and formally approve, conditionally approve or disapprove the content of such affirmative action plans within ninety days of the submission of each plan to the commission. If the commissioners, by a majority vote of those present and voting, fail to approve, conditionally approve or disapprove a plan within such period, the plan shall be deemed to be approved. Any plan that is filed more than ninety days after the date such plan is due to be filed in accordance with the schedule established pursuant to subsection (g) of this section shall be deemed disapproved.

Sec. 62. Subsection (g) of section 46a-68 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(g) The [Commission on Human Rights and Opportunities] commission shall adopt regulations, in accordance with chapter 54, to carry out the requirements of this section. The executive director shall establish a schedule for semiannual, annual and biennial filing of plans.

Sec. 63. Sections 4a-60a, 46a-61, 46a-62, 46a-63, 46a-64b, 46a-65, 46a-81a to 46a-81o, inclusive, and 46a-82a to 46a-82d, inclusive, of the general statutes are repealed. (*Effective July 1, 2013*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	1-1f
Sec. 2	<i>July 1, 2013</i>	46a-51
Sec. 3	<i>July 1, 2013</i>	46a-52
Sec. 4	<i>July 1, 2013</i>	46a-54
Sec. 5	<i>July 1, 2013</i>	46a-56
Sec. 6	<i>July 1, 2013</i>	46a-57
Sec. 7	<i>July 1, 2013</i>	46a-58
Sec. 8	<i>July 1, 2013</i>	46a-59(a)
Sec. 9	<i>July 1, 2013</i>	New section
Sec. 10	<i>July 1, 2013</i>	46a-60(a)

Sec. 11	July 1, 2013	4a-60(a)
Sec. 12	July 1, 2013	4a-60(b)
Sec. 13	July 1, 2013	4a-60g(a)(7)
Sec. 14	July 1, 2013	46a-64
Sec. 15	July 1, 2013	46a-64c
Sec. 16	July 1, 2013	46a-66(a)
Sec. 17	July 1, 2013	46a-67
Sec. 18	July 1, 2013	46a-68a
Sec. 19	July 1, 2013	46a-70(a)
Sec. 20	July 1, 2013	46a-70a
Sec. 21	July 1, 2013	46a-71(a)
Sec. 22	July 1, 2013	46a-72(b)
Sec. 23	July 1, 2013	46a-73(a)
Sec. 24	July 1, 2013	46a-75(a)
Sec. 25	July 1, 2013	46a-76(a)
Sec. 26	July 1, 2013	46a-77(c)
Sec. 27	July 1, 2013	46a-81p
Sec. 28	July 1, 2013	46a-81q
Sec. 29	July 1, 2013	46a-82
Sec. 30	July 1, 2013	46a-82e
Sec. 31	July 1, 2013	46a-83
Sec. 32	July 1, 2013	46a-84
Sec. 33	July 1, 2013	46a-86
Sec. 34	July 1, 2013	46a-87
Sec. 35	July 1, 2013	46a-88
Sec. 36	July 1, 2013	46a-89
Sec. 37	July 1, 2013	46a-89a
Sec. 38	July 1, 2013	46a-90a
Sec. 39	July 1, 2013	46a-94
Sec. 40	July 1, 2013	46a-94a
Sec. 41	July 1, 2013	46a-95(a)
Sec. 42	July 1, 2013	46a-97
Sec. 43	July 1, 2013	46a-98
Sec. 44	July 1, 2013	46a-98a
Sec. 45	July 1, 2013	46a-99
Sec. 46	July 1, 2013	46a-100
Sec. 47	July 1, 2013	46a-101
Sec. 48	July 1, 2013	46a-102
Sec. 49	July 1, 2013	46a-103
Sec. 50	July 1, 2013	53-37

Sec. 51	<i>July 1, 2013</i>	32-235(b)
Sec. 52	<i>July 1, 2013</i>	45a-726a
Sec. 53	<i>July 1, 2013</i>	46a-68b
Sec. 54	<i>July 1, 2013</i>	1-1g(b)
Sec. 55	<i>July 1, 2013</i>	17a-210d(a)
Sec. 56	<i>July 1, 2013</i>	47a-23c(a)(1)
Sec. 57	<i>July 1, 2013</i>	5-248a(b)
Sec. 58	<i>July 1, 2013</i>	19a-490s
Sec. 59	<i>July 1, 2013</i>	46b-84(c)
Sec. 60	<i>July 1, 2013</i>	53a-167c(c)
Sec. 61	<i>July 1, 2013</i>	46a-68(c) and (d)
Sec. 62	<i>July 1, 2013</i>	46a-68(g)
Sec. 63	<i>July 1, 2013</i>	Repealer section

JUD *Joint Favorable Subst.*